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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 57

HON. PAUL G. BRECKENRIDGE, JR., JUDGE

CHURCH OF SCIENTOLOGY OF CALIFORNIA,)

Plaintiff,)

vs.)

No. C 420153

GERALD ARMSTRONG,)

Defendant.)

MARY SUE HUBBARD,)

Intervenor.)

REPORTERS' TRANSCRIPT OF PROCEEDINGS

Friday, June 1, 1984

Volume 23

Pages 3990 to 4160, incl.

APPEARANCES:

(See Appearance Page)

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2 DAY	DATE		PAGE
3			
4 Friday	June 1, 1984	A.M.	3990
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6 -----
7 WITNESSES

8 <u>PLAINTIFF'S:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
9 TINCH, Gene F. (Resumed)	3991-P	3996		
10 BURGESS, Walter Charles	3998-H	4015	4029-H	4030
11 FLINN, Frank K. 12 (Resumed)	4032-L 4070-L	4097	4158-L	

13 -----
14 EXHIBITS

15 <u>PLAINTIFF'S:</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
16 90- (Previously marked for identification)		3998
17 92- Copy of a diagram	3993	3997

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1 LOS ANGELES, CALIFORNIA; FRIDAY, JUNE 1, 1984; 9:45 A.M.
2 DEPARTMENT NO. 57 HON. PAUL G. BRECKENRIDGE, JR., JUDGE
3 ---o0o---

4
5 THE COURT: In the case on trial, let the record
6 reflect that all counsel are present.

7 The witness has retaken the stand. State your
8 name again for the record, sir. You are still under oath.

9 THE WITNESS: Gene F. Tinch, T-i-n-c-h.

10 MR. FLYNN: I have a short oral motion to make, Your
11 Honor.

12 The motion is to identify and limit the number
13 of witnesses that appear in rebuttal with respect to L. Ron
14 Hubbard's background. The basis for the motion is this is
15 an equitable proceeding. And Mr. Hubbard has voluntarily
16 chosen, apparently, to not come into the case. And, instead,
17 we have got witnesses coming in such as Mr. Moulton from
18 40 years ago coming in and testifying to such things as
19 machine gun bullets in the back when there are extensive
20 medical records on file which make it clear that is an
21 absurd position to take. Much time is being taken with
22 what I submit to the Court is a totally frivolous claim on
23 behalf of these representatives of Mr. Hubbard which are
24 almost totally refuted by the documentary evidence in the
25 case.

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1 I don't know what the plaintiff and the intervenor
2 have in mind. If they have in mind two or three weeks of
3 spot witnesses to come in and testify about things such
4 as what we heard yesterday when Mr. Hubbard himself in an
5 equitable proceeding has chosen not to come forward to
6 claim his own documents, and I submit some type of
7 limitation should be placed on it.

8 MR. HARRIS: Your Honor, we should be finished with
9 the rebuttal case Monday.

10 THE COURT: Well, that sounds pretty good.

11 MR. FLYNN: That sounds very good, Your Honor.

12 THE COURT: Okay. Why don't we continue then with
13 this witness.

14
15 DIRECT EXAMINATION (Resumed)

16 BY MR. PETERSON:

17 Q Mr. Tinch, prior to commencing the surveillance
18 on Gerry Armstrong, did you go down to the area?

19 A Yes, I did.

20 Q And did you visit with any local authorities?

21 A The Costa Mesa Police Department.

22 Q And who did you meet with at the Costa Mesa
23 Police Department?

24 A I don't recall his name. At that time it was
25 the uniformed watch commander that was on duty, and I just
26 don't recall his name.

27 Q And what did you tell him?

28 MR. FLYNN: Objection, Your Honor.

1 THE COURT: Well, there's been some testimony the
2 defendant went to the police department. I will overrule
3 the objection.

4 Go ahead.

5 THE WITNESS: Told him that we were going to begin
6 a stakeout and gave him the location and informed him that
7 we would notify him the days that we were going to be there.

8 Q BY MR. PETERSON: And to your knowledge, each
9 day that there was a surveillance on the subject Armstrong,
10 was the police notified?

11 A Yes.

12 Q And at any time later did you go back and
13 visit the Costa Mesa police?

14 A Yes, I did.

15 Q And when was that?

16 A I can't tell you the exact time. I believe
17 around the middle of August some time.

18 Q What caused you to go back to the police
19 department the middle of August?

20 A I received a phone call from an agent in charge
21 of the detective bureau that Mr. Armstrong had been in and
22 complained that one of my operatives had run into him with
23 an automobile. So I made an appointment and I went down and
24 talked to him.

25 Q And what did he tell you about that incident?

26 MR. FLYNN: Objection.

27 THE COURT: Well if you are offering this for the truth
28 of what the officer told him, it would be hearsay.

1 If it is for some other purpose, it might be
2 admissible. I don't know what you have in mind, Mr. Peterson.

3 Q BY MR. PETERSON: What did you tell the officer?

4 A I told him what my operative had informed me
5 of that --

6 MR. FLYNN: Objection, Your Honor.

7 THE COURT: Well, again, I don't know what the purpose
8 is.

9 I will sustain the objection at this point.

10 Q BY MR. PETERSON: And did you file any report
11 or anything with the police department at that time?

12 A No, I did not.

13 Q And did you ever again visit the Costa Mesa
14 police department?

15 A No, I did not.

16 Q And at some time did you go down to the area
17 and cause to be prepared a diagram of the surveillance in the
18 area?

19 A Yes, I did.

20 MR. PETERSON: Can we mark this as next, Your Honor?

21 THE COURT: Allright, so marked, 92.
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2-1 1 Q Does this diagram correctly reflect the general
2 area in which the surveillance was conducted?

3 A To the best of my recollection, yes.

4 Q And you actually visited this area?

5 A Yes, I did.

6 Q And I note on the diagram there are on the right,
7 about the middle of the page, against the corner it says,
8 "No. 36 Armstrong"; what does that represent?

9 A That indicates where Mr. Armstrong's trailer was
10 parked.

11 Q And a little bit to the left it says, "Armstrong's
12 old apartment."

13 A That is where Mr. Armstrong was living at the
14 original time that we located him.

15 Q Sometime during the course of the investigation
16 he moved addresses?

17 A That is correct.

18 Q From the apartment over to the trailer?

19 A That is correct.

20 Q When you instructed your men to conduct a
21 surveillance of Mr. Armstrong where did you tell them to
22 place themselves?

23 A Well, various places.

24 To begin with, they were in the parking lot in
25 front of the motel; they sat in the chiropractor's office
26 parking lot, across the street, and in a market's parking
27 lot.

28 Q The motel parking lot is the one in the middle

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1 of the page where it says, "motel building"?

2 A That is correct.

3 Q That would be this parking lot just to the
4 south.

5 The top of the map is the north; is that
6 correct?

7 A That is correct.

8 Q The chiropractor's parking lot would be over
9 on the right-hand side of the map, the east, if the top is
10 the north? This would be the chiropractor's parking lot
11 where they sat?

12 A That is correct.

13 But this is actually north.

14 Q At any time were the investigators ever
15 instructed to move into the area of the trailer park?

16 A No, they were not.

17 MR. FLYNN: Your Honor, I'll move to strike the last
18 answer on relevancy grounds; what they are instructed,
19 I submit, is irrelevant.

20 THE COURT: It is in evidence.

21 MR. FLYNN: It is irrelevant to what took place.

22 Q BY MR. PETERSON: At some time did the
23 investigation cease?

24 A Yes, it did.

25 Q And about when was that?

26 A Around the middle of September, the best I can
27 recall.

28 Q And were you given any instructions to stop the

1 investigation?

2 A Yes, I was.

3 Q Who gave those instructions?

4 A You did.

5 Q Did I give you a reason?

6 A Yes, you did.

7 Q What did I tell you?

8 A You told me the documents had been returned to
9 the Court.

10 MR. PETERSON: Nothing further.

11 THE COURT: You may cross-examine.

12
13 CROSS-EXAMINATION

14 BY MR. FLYNN:

15 Q Mr. Tinch, incidentally, did you retire from the
16 police force, or did you leave voluntarily, or --

17 A I retired.

18 Q After 20 years?

19 A That is correct.

20 Q This diagram, it shows that the trailer is kind
21 of cut off; there is a fence right next to the trailer, isn't
22 there?

23 It says "No. 36 Armstrong."

24 A There is a fence here, yes.

25 I am not real sure if there is one along this
26 corner or not. There is one behind the chiropractor's
27 office.

28 Q Isn't there a fence right there about six feet

1 from the trailer and a parking lot right on the other side
2 of the fence?

3 A I am not sure.

4 Q And the Armstrong bedroom was on the fence side
5 of the trailer; isn't that correct?

6 A I have no idea.

7 Q Roughly six feet from the fence?

8 A I have no idea.

9 Q And you don't have any personal knowledge, do
10 you, of exactly what your so-called operatives did while they
11 were following Mr. Armstrong; you weren't there?

12 A That is correct.

13 MR. FLYNN: That is all I have, Your Honor.

14 THE COURT: Redirect?

15 MR. PETERSON: I have no redirect.

16 THE COURT: You may step down, sir.

17 MR. PETERSON: Your Honor, I have to get Mr. Harris
18 and the next witness. They are standing outside. It will
19 only take a minute.

20 THE COURT: Do you want the original to be used as an
21 exhibit? I marked the copy.

22 MR. PETERSON: Mr. Flynn, do you have a preference?

23 A It makes no difference.

24 MR. PETERSON: I would move that it come into evidence,
25 if there is no objection.

26 THE COURT: It will be received.

27 MR. PETERSON: The photograph from yesterday, the
28 photograph, No. 90, I did not move that it be received in

1 evidence. I would so move at this time.

2 THE COURT: Any objection?

3 MR. FLYNN: No objection, Your Honor.

4 THE COURT: It will be received.

5 MR. HARRIS: Call Mr. Burgess, Your Honor.

6 Would you go up there and stand there, please?

7

8 WALTER CHARLES BURGESS,

9 called as a witness by the plaintiff on rebuttal, having been
10 duly sworn, testified as follows:

11 THE CLERK: Raise your right hand to be sworn.

12 THE WITNESS: I do.

13 THE CLERK: Be seated in the witness stand. State and
14 spell your last name, please.

15 THE WITNESS: Walter Charles Burgess, B-u-r-g-e-s-s.

16

17

DIRECT EXAMINATION

18 BY MR. HARRIS:

19 Q Mr. Burgess, are you a Scientologist?

20 A Yes.

21 Q For how long have you been a Scientologist?

22 A Almost 30 years now.

23 Q And where did you get into Scientology?

24 A I was in Melbourne, Australia.

25

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1 Q And did there come a time in Melbourne,
2 Australia when there was an inquiry into Scientology in the
3 State of Victoria?

4 A There certainly did.

5 Q And when was that?

6 A That was either in 1964 or '65, that period.

7 Q And were you there at that time?

8 A Yes.

9 Q What happened?

10 MR. FLYNN: Objection, Your Honor.

11 MR. HARRIS: This goes to the constant refrain of
12 shore stories, Your Honor, and the perceptions of the people
13 who were Scientologists at the time. It is very short.

14 MR. FLYNN: Your Honor, are we going to litigate the
15 entire Australian inquiry, a copy of which I could put in
16 evidence, which is some 300 pages long. Has to do with
17 embezzlement, fraud, breaking and entering.

18 THE COURT: Well I don't want to get into all that.

19 MR. HARRIS: I am not going to get into all that.

20 THE COURT: I will overrule the objection at this
21 point. See what it is all about.

22 Q BY MR. HARRIS: In any event --

23 THE COURT: Did you come all the way from Australia?

24 THE WITNESS: No, sir.

25 THE COURT: I was going to say, if you did, we better
26 hear you.

27 Q BY MR. HARRIS: In any event, insofar as the
28 result of the inquiry was there a law passed respecting

1 Scientology?

2 A Yes, there was.

3 Q And what was the substance of the law as you
4 understood it?

5 MR. FLYNN: Objection, Your Honor.

6 MR. HARRIS: Well, it goes to state of mind, Your
7 Honor, and it is definitely relevant to the so-called shore
8 story.

9 THE COURT: Okay. Limited to this witness' state of
10 mind.

11 MR. HARRIS: This witness and any others.

12 THE COURT: Well at this point I will go ahead and
13 let's hear what it is.

14 Q BY MR. HARRIS: Yes?

15 A The substance, as I understood it, was that
16 we were supposed to be through with Scientology, the practice
17 of it in the State of Victoria. You couldn't even mention
18 the word.

19 You couldn't have, possess or use an E meter,
20 and it was just all done. It was against the law now to be
21 a Scientologist and practice it.

22 Q All right, and what did the Scientologists
23 do?

24 A A number of things. Some of them went to
25 another State, to South Australia, New South Wales were the
26 neighboring states to Victoria. Others went to England, to
27 St. Hill, East Grinstead, and some stayed. And those that
28 stayed continued to in the main get together and meet, but

1 now in the privacy of homes and groups were formed whereby
2 people could get together, stay in communication on the
3 subject of Scientology, listen to tapes by the founder,
4 see the latest issues that he had been putting out current
5 with the time.

6 Q All right, did there come a time when you went
7 to England?

8 A Yes.

9 Q And when was that?

10 A That was mid-1966.

11 Q And where did you go?

12 A To St. Hill Manor in East Grinstead in Sussex.

13 Q Was Mr. Hubbard there at the time that you
14 arrived?

15 A Yes.

16 Q While you were there, did you join something
17 called the Sea Project?

18 A Yes.

19 Q And what was the purpose of the Sea Project?

20 A What it was doing was getting together a number
21 of ships and getting them into operational condition for
22 use.

23 Q For what purpose?

24 A Well it wasn't plain at the time, you understand.
25 It was just a volunteer project, but as the thing developed,
26 it became quite plain that this was for the purpose of
27 making a safe place for the founder to continue his research
28 and a safe place for the advanced technology of Scientology

1 to be looked after.

2 MR. FLYNN: Your Honor, I understand that this is
3 what this witness thinks the purpose was as opposed to
4 what L. Ron Hubbard's intended purpose was.

5 THE COURT: Well at this point he can only testify
6 to what he knows. I gather this is his understanding of what
7 his purpose was.

8 MR. HARRIS: That is correct.

9 THE WITNESS: That is what it looks like to me.

10 Q BY MR. HARRIS: And at some point did you
11 participate in making ships ready?

12 A Yes.

13 Q And were you in Las Palmas?

14 A Uh-huh, yes.

15 Q And what were you doing there?

16 A I was doing a number of jobs. The major one
17 was I became a supply officer, going out into the town
18 to ship's chandlers and so forth to purchase and bring in
19 the materials that were necessary for the work that was
20 being done on the ships.

21 Q Was Mr. Hubbard in Las Palmas at that time?

22 A Yes.

23 Q And when was this roughly?

24 A This was the early part of 1967.

25 Q All right. At some point did you leave Las
26 Palmas and go back to England?

27 A Yes.

28 Q And did you go aboard a ship in Southampton?

1 A Yes.

2 Q What happened next?

3 A This again was a time of preparation for this
4 ship to come into use by the church and there was again a
5 matter of a lot of supplies had to be obtained. Things
6 had to be done with the vessel to get it usable for the
7 purposes that were required.

8 Q And that subsequently became the Apollo?

9 A That became the Apollo.

10 Q What was it at that point?

11 A It was called the Royal Scotsman at that time.

12 Q Did the Royal Scotsman leave Southampton at
13 some point?

14 A Yes.

15 Q Bound for Gibraltar?

16 A Yes.

17 Q And were you able to get into Gibraltar?

18 A No, we were approaching Gibraltar and radio
19 contact was made in order to get a berth at Gibraltar, and
20 my clear understanding is that entry to the port was then
21 refused.

22 Q And what was your position at that time?

23 A My position at that time was chief steward of
24 the vessel.

25

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1 Q And what was the state of the stores at the point
2 where you were received entry into Southampton -- excuse me --
3 Gibraltar?

4 A The state of the stores was adequate to cover
5 that voyage plus several days extra which is quite routine.

6 There is always added stores for contingencies.
7 But as we were not able to get into Gibraltar and our time
8 at sea extended, the stores became a bit of a problem; food
9 being a little bit short here and there and so on.

10 Q What was your post in 1968, early '68?

11 A Early '68, by that time, I was the port master
12 of the same vessel, the Royal Scotman, which meant I was
13 master of the vessel while it was in port, but not when it
14 was at sea.

15 Q Where was it berthed?

16 A At Valencia.

17 Q The people who were dealing with the local people
18 such as yourself, did you attempt to obscure the fact that
19 you were Scientologists?

20 A No. That didn't seem to be in the picture at
21 all at that time that I can recall.

22 Q Did there come a time, however, when the people
23 aboard the ship did attempt to obscure the fact that they
24 were Scientologists?

25 A Yes. That certainly did come along later on.

26 Q And was that after Corfu, Greece?

27 A Yes. I would think so. I would think so. There
28 were some troubles at Corfu, certainly, which would have

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1 engendered that attitude.

2 Q Did there come a time when you left the ship to
3 go to Saint Hill in order to gather materials?

4 A Yes.

5 Q And when was that?

6 A That happened on two occasions, two separate
7 occasions; one pretty close to the end of 1968 and one
8 probably January, 1969.

9 Q And what was your instructions as far as what
10 you were to gather up?

11 A We had to gather up any and all important
12 materials, original materials of Scientology, the results
13 of Mr. Hubbard's research that were in archival storage at
14 Saint Hill and additionally any personal papers of Mr. and
15 Mrs. Hubbard; anything connected with his records of his life
16 and so forth which would be found there because they had been
17 residents there. So it had been their home. So these were
18 the two main categories that I recall.

19 Q So what did you do pursuant to your instructions?
20 What areas did you look at? What kinds of materials did you
21 obtain?

22 A Well, I had to have some guidance there from the
23 secretary of his that was still in the area as to where these
24 things might be found. And we were directed to the basement
25 where there was a lot of archival storage of the materials
26 of Dianetics and Scientology.

27 There were a couple of safes in the area; his
28 personal offices that he had used and it even went as far

1 as going into the personal bedroom at one stage looking for
2 personal papers and documents.

3 Q And what did you do when you would come across
4 these items?

5 A Well, I would have to use my own judgment to
6 quite a degree to decide, well, did they fall into the
7 category we are talking about, or didn't they; like, for
8 instance, I came upon a will at one stage which I saw the
9 title of; didn't read; guessed that it was important; put
10 it back in its envelope and included it in the stuff that
11 we brought away.

12 And there was quite some feeling of, well, I am
13 doing a certain amount of invasion of privacy, but it is
14 okay. It is in line with what I was asked to do. I feel
15 the trust is well placed. He is a friend of mine, and so
16 on. And it was a nice feeling about it, actually.

17 Q I am going to show you what has previously been
18 marked exhibit 13 and ask you to take a look at that and see
19 if you recognize any portions of it.

20 MR. FLYNN: What exhibit number is that, Mr. Harris?

21 MR. HARRIS: 13.

22 THE WITNESS: Yes. I haven't been right through this
23 already, obviously. But I can recognize a lot of this. I
24 recognize the type of administration we used to get this
25 inventory done.
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1 Q What are you referring to now?

2 By the way, when you refer to a page. These
3 have been just arbitrarily -- down at the lower right-hand
4 side there is a number with a circle which designates the
5 page of this exhibit.

6 A Right. Well, we are open at page 32 at the
7 moment and I see on the top right-hand corner trunk number
8 and then it says 12-1. Now, I myself chose how to code
9 these things.

10 There was a target number 12 which would get
11 a certain class of material, so anything of that class of
12 material, the trunk number was 12 and then if there was
13 several of them, they were 12-1, 12-2, 12-3.

14 Q When you say there were targets --

15 A This was targets to get done. Find this. Find
16 that. Find the other thing, and so on, and I also see on the
17 same page Pack HWD.

18 HWD was for handwritten documents, and this
19 also refers to the librarian there and she was one of the
20 sources, her stuff was one of the sources from which we drew
21 this material that we brought back.

22 Q Now, did you prepare an inventory of the entirety
23 of what you were to take back to the ship?

24 A Oh, yes.

25 Q And what did you put these materials in?

26 A We bought a number of large cabin trunk style
27 of containers and lined them with plastic for waterproofing
28 purposes and transported them in those.

1 Q And at some point were they stored on the ship?

2 A Yes, they were stored on the ship to my knowledge
3 right from the time I got them there in 1969.

4 Q And where on the ship?

5 A They were in sort of a barricaded office area
6 of No. 1 hold.

7 Q Did the trunks have locks on them?

8 A Yes, they certainly had locks on them when I
9 was in charge of them and before I passed them over for
10 safekeeping.

11 Q If someone wished to get access to any of the
12 materials in the trunks to your knowledge, to whom would
13 one go?

14 A One would go to a person who was the communicator
15 of the controller who was Mary Sue Hubbard, and would have
16 to gain access that way because people would ask me because
17 they knew I brought this stuff.

18 I'd say, "No, you have to go over there to
19 get access to it." And this happened on a number of
20 occasions. The whole thing was in charge of that area.

21 MR. FLYNN: Could we have a date now, Your Honor?

22 Q BY MR. HARRIS: What date are we talking about?

23 A Any date coming forward from the time we are
24 speaking of, early 1969 and scattered through the years
25 that followed.

26 People would come to me, instead of going to
27 the right place, and I would have to direct them is what I
28 was trying to say there.

1 Q Were you at any time aboard the ship --
2 did you occupy the post called LRH Pers Pro?

3 A Yes, I did.

4 Q And when was that?

5 A There were two periods. One of them was
6 early in 1972 and that was a matter of just a very few weeks,
7 and it was interrupted. I was transferred over to Los Angeles
8 and spent a year and a quarter here and when I got back
9 late in 1973, I occupied that post again for just a few
10 weeks.

11 Q All right, and what did you understand the
12 purpose of the post to be?

13 A My understanding of the purpose of that post
14 is to keep the founder's image high within the church and
15 its organizations, also to some degree externally.

16 Q All right, and why?

17 A Because without his name there, without his
18 image there the church just doesn't succeed. He is the
19 founder. If that is not kept high, the church doesn't get
20 on too well.

21 Q Did you understand while you were in that post
22 that you were the personal employee of L. Ron Hubbard?

23 A No I wasn't.

24 Q And by whom did you believe that you were employed?

25 A I was employed by the church, the same as
26 all the rest of the guys.

27 Q Did you get anything extra for being --

28 MR. FLYNN: Could we have a year, Your Honor, on this?

1 MR. HARRIS: '72.

2 THE COURT: I assume the two periods of time.

3 THE WITNESS: Two periods of time.

4 Q BY MR. HARRIS: Did you get anything more
5 as far as pay for being Pers Pro?

6 A Not a thing. I showed up with the rest of
7 the guys at the same pay window, and it was the same deal.

8 Q Did you know Mr. Armstrong?

9 A Yes, I sure did.

10 Q And how did you know him?

11 A I knew him as one of the crew. I knew him as
12 a person who I think during the ship years anyhow spent a
13 fair portion of his time as what we call the ship's
14 representative, and he was a man who worked with customs,
15 immigration, ships' agents, and generally handled the business
16 of the shore relations between the ship and the port one is
17 in.

18 Q And would you have an opportunity to observe
19 him on say a weekly basis during the time that you were
20 aboard the ship?

21 A Oh yes. At least weekly.

22 Q All right. Did you observe over the years that
23 you were on the ship with Mr. Armstrong that his dominant
24 emotion was fear?

25 A No way. He was -- rather the opposite I would
26 have thought. He was pretty sharp, pushy, rambunctious,
27 had to be to get his job done. That is the picture I have
28 of Gerry Armstrong.

6-1 1 Q Well --

2 A He was --

3 Q All right.

4 A -- a fairly sharp boy.

5 Q And, incidentally, to your knowledge all the time
6 you were aboard the ship were the aides part of the personal
7 office of L. Ron Hubbard?

8 A No, no; different altogether.

9 Q What is your present post?

10 A My present post title is LRH Host. And I carry
11 out the duties of that at Flag Land Base at Clearwater in
12 Florida.

13 Q And what are the duties of LRH Host?

14 A The LRH part of it came when I had the duty of
15 personally attending to anyone who came to the ship to visit
16 LRH personally. But the -- it was stated at the time there
17 was added duty which was that of Flag Host. And those duties
18 are what I entirely do today; that is, attending to the good
19 servicing of people who come for training and processing.

20 Q As far as attending to personal visitors to
21 Mr. Hubbard, how often did that happen?

22 A That was fairly rare. I think I can call to mind
23 about four occasions when I had to work in that capacity
24 strictly. And then I dropped other things and gave that my
25 full attention for the duration of the stay of the visitors
26 and then I was back to being Flag Host as I have just
27 described.

28 Q Now, what do you do insofar as assuring the

-2

1 servicing of people who come to Flag?

2 A I keep an eye on them. I watch what we call their
3 indicators, are they looking okay; are they looking not so
4 okay; about how things are going.

5 There is an open invitation for them to come to
6 me any time that they feel the servicing is not adequate one
7 way or another. And they might feel from time to time they
8 are not getting enough servicing or the service is kind of
9 not working out as they expected or so on. And I have to
10 know a fair bit about the various aspects of the organization
11 to be able to go to the right area and see what is really
12 going on.

13 Is there something that should be corrected?
14 Has the person not be adequately informed of what is going
15 on?

16 Quite often it can be just a matter of that.

17 Q And I take it, then, you run across a great number
18 of public Scientologists who come to Flag?

19 A Very much, yes.

20 Q And for how long have you occupied that post?

21 A That has been about ten years now.

22 Q And have you ever conceived the post to be --
23 strike that.

24 Have you ever conceived that your -- that you
25 were a personal employee of L. Ron Hubbard in that post?

26 MR. FLYNN: Objection, Your Honor.

27 THE COURT: Well, overruled.

28 You may answer.

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1 THE WITNESS: No way. Never has it been that way
2 ever.

3 Q BY MR. HARRIS: During the years that you were
4 aboard the Apollo did you have an opportunity to observe
5 Mr. Hubbard?

6 A Oh, yes, very much.

7 Q On what sort of basis, daily? Weekly?

8 A It was -- it varied; daily just by seeing him
9 around; sometimes being called to his office for briefing
10 and instruction on how to get something done and so forth.

11 Q And were you able to perceive generally what
12 he was occupying his time with aboard the ship?

13 A Yes. To me it falls into two categories mainly;
14 one is continuing his research into the technology and the
15 other is -- has been to teach people what he has been able
16 to do so they'll carry on with the job that he started.

17 Q And did you -- would you be able to conclude that
18 he was in control of every aspect of the day-to-day activities
19 aboard the ship?

20 A No way. He was -- his entire purpose by my
21 observation was to get it so it was not that way and that
22 there were people around the place that were taking
23 responsibility for the various areas. And the only thing
24 that was likely to catch his attention was if that optimum
25 situation wasn't occurring wherein he would have to get in
26 and say look, get in and do it right. This is the way you
27 do it and keep right on teaching until people picked up the
28 ball and ran with it without him being depended upon.

1 Q In your observations of the Scientologists that
2 you deal with, I take it, on a daily basis who come to
3 Flag, what is your -- well, that is reputation, I suppose.
4 Maybe it is an improper question. I'll withdraw it.

5 I have no further questions.
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1 THE COURT: You may cross-examine.

2 MR. FLYNN: Thank you, Your Honor.

3

4

CROSS-EXAMINATION

5

BY MR. FLYNN:

6

Q Mr. Burgess, how old are you, sir?

7

A 59.

8

Q And how old were you when you first became

9

involved with Scientology?

10

A That is 30 years ago; 29.

11

Q Did you --

12

A Sorry, 25.

13

Q Thank you. Did you testify that without keeping

14

L. Ron Hubbard's image high, the church would not succeed?

15

A I feel that is the truth of it, yes.

16

Q Do you feel that the truth of L. Ron Hubbard's

17

background and the character of the man had something to do

18

with his image?

19

A It could be made so, I suppose. It could be

20

made so.

21

Q Now were you the host on board the Apollo

22

in 1971?

23

A No that is too early.

24

Q So you weren't the host when George Meister

25

came to the ship after his daughter was killed on the ship?

26

MR. HARRIS: Assumes a fact not in evidence, two

27

of them.

28

THE COURT: Sustained.

1 Q BY MR. FLYNN: Do you know the host was then?

2 A There probably wasn't one. I was the first.

3 Q Were you on board the ship in 1971?

4 A Some part of the time.

5 Q Were you on board the ship when Susan was
6 killed?

7 A Uh-huh.

8 MR. HARRIS: I object to that, Your Honor. It
9 assumes a fact not in evidence.

10 THE COURT: He said yes, so it is now in evidence.
11 You mean killed?

12 MR. HARRIS: That is exactly what I mean.

13 THE COURT: Or met her death.

14 Q BY MR. FLYNN: Do you know that she died from
15 a gunshot wound in the forehead?

16 A I know no details of it, I am afraid.

17 Q Do you recall George Meister, the father of
18 Susan, coming to the ship and being barred from access
19 to the ship or to Mr. Hubbard?

20 MR. HARRIS: I will object to that as assuming facts
21 not in evidence.

22 THE COURT: Well do you know whether or not such
23 occurred?

24 THE WITNESS: I don't even know that such occurred to
25 be frank with you.

26 Q BY MR. HARRIS: You don't ever remember seeing
27 George Meister who tried to get on board the ship to see what
28 happened to his daughter?

1 A Huh-uh.

2 THE COURT: Your answer?

3 THE WITNESS: Oh, no, no.

4 Q BY MR. FLYNN: You testified about just very
5 briefly about the Australian inquiry; do you have any
6 knowledge as to the number of complaints the Australian
7 government received about the Church of Scientology
8 and its financial practices?

9 A No.

10 Q And through the 1950's do you have any
11 knowledge of the number of complaints that the United States
12 government received about the financial practices of
13 L. Ron Hubbard and the Church of Scientology?

14 A None whatsoever.

15 Q And in the late 1950's do you know that
16 L. Ron Hubbard and Mary Sue Hubbard left the United States
17 because the IRS was trying to serve them with papers?

18 A No such knowledge.

19 Q Now when you say that you were just an employee
20 like the rest of the guys picking up your pay, that is when
21 you were working for OTC?

22 A Yeah. We were under that name then.

23 Q Did you understand that OTC was a for-profit
24 corporation of which L. Ron Hubbard owned 98 of the 100
25 shares?

26 A No, I didn't know that.

27 Q Were you drilled so that when you went
28 ashore you told people you were working for OTC, a management

1 corporation?

2 A I don't think I was ever specifically drilled
3 on that. That was just our understanding of the way we
4 went.

5 Q That is what he told people?

6 A I don't even remember having to tell anybody,
7 you know, that.

8 Q That was your understanding at the time
9 of what you were supposed to say?

10 A Uh-huh, yes.

11 Q Now do you have any understanding whether or
12 not in a legal sense you were holding yourself out as an
13 employee for that corporation?

14 A I don't really understand that question.

15 Q Now when you were concealing the fact that you
16 were a Scientologist on board the Apollo, did you have any
17 knowledge of what the Guardian's office was doing with its
18 intelligence bureau throughout the world?

19 A No.

20 Q No knowledge about anything they did?

21 A Nothing to do with intelligence, no.

22 Q And did you know that while you were on board
23 the Apollo when you were not holding yourself out as
24 Scientologists, the Guardian's office was culling your
25 preclear folders?

26 A No.

27 Q And when Mr. Armstrong was working in the
28 port captain's office as the ship's representative, do you

1 know whether or not he had access to the intelligence bureau
2 hat packs of Scientology?

3 A No. This never came to my attention at all.

4 Q Now, you thought that Mr. Armstrong was
5 sharp and pushy?

6 A Uh-huh.

7 Q Did you ever ask him how he felt inside,
8 what was going on inside him when he was on board the
9 Apollo?

10 A No, I didn't ask anybody else either.

11 Q Do you have any knowledge of whether or not
12 the intelligence bureau data that Mr. Armstrong was exposed
13 to was considered to be top secret on board the Apollo?

14 A No.

15 Q You were never exposed to it; were you?

16 A Give me that again. I don't really understand
17 what we are getting at.

18 Q You were never exposed to the intelligence
19 bureau hat packs on board the Apollo?

20 A I didn't know such existed.

21 Q Now, when you inventoried these materials
22 that you testified that are set forth in exhibit 13, did
23 you ever file a petition with L. Ron Hubbard to give those
24 materials to an author?

25 A The question -- I just don't understand
26 the nature of the question. It is so far outside my reality
27 that I would do anything like that.

28

1 Q In other words, you simply inventoried materials,
2 is that correct --

3 A Yes.

4 Q -- that are set forth in what has been marked
5 as exhibit 13?

6 A That is part of it. That is not all of it, just
7 a part.

8 Q How much more is there?

9 A Well, we went twice. That is not all of it.
10 I suppose we might have had about that much material in each
11 inventory.

12 MR. HARRIS: Indicating about an inch, Your Honor?

13 THE COURT: Yes.

14 Q BY MR. FLYNN: Would you estimate this is a
15 quarter inch to three-eighths of an inch?

16 A Yes.

17 Q So you would estimate that the amount of
18 material you inventoried was maybe three to four times as
19 much as this?

20 A Yes. There is a good chance there was about that
21 much. That is certainly not all of it there.

22 Q And when did you last see those inventories?

23 A When we made them.

24 THE COURT: When was that?

25 THE WITNESS: That would have been early '69 and after
26 I handed those over, that was the end of my part in the
27 activity.

28 Q BY MR. FLYNN: So you never collected materials

1 for purposes of collecting them for a biography; is that
2 correct?

3 A Oh, no.

4 Q And you never filed --

5 Do you know what the CSW is?

6 A Yes.

7 Q You never filed an CSW with either Mary Sue or
8 L. Ron Hubbard to use the materials for a biography; is that
9 correct?

10 A That is correct.

11 Q Now, do you have any knowledge of where Church
12 funds were going to while you were on board the Apollo,
13 Mr. Burgess?

14 A No, I don't. That was not my territory.

15 Q Had you ever heard of a corporation called
16 Religious Research Foundation?

17 A Kind of vaguely, yes.

18 Q How had you heard of it?

19 A Just some conversation somewhere. I don't really
20 have it well placed at all.

21 Q Do you remember people coming on board the ship
22 and making checks out to Religious Research Foundation?

23 A No.

24 Q You don't remember that?

25 A I have heard of it much more recently, later than
26 that time; something from the past.

27 Q Do you know Mr. Homer Shomer?

28 A Yes.

1 Q Do you know what his position has been in the
2 Church or in the organization or with Mr. Hubbard while you
3 have been involved?

4 MR. HARRIS: That is like three compound questions,
5 Your Honor; entirely beyond the scope of direct.

6 Q BY MR. FLYNN: What is your understanding,
7 Mr. Burgess, as to who Mr. Homer Shomer is?

8 MR. HARRIS: I object as beyond the scope of direct.

9 THE COURT: It may be a preliminary question to
10 something. Overruled.

11 You may answer.

12 THE WITNESS: Mr. Homer Shomer is no longer with us.
13 That is my present time understanding. He has left the Church
14 as far as I know.

15 Q BY MR. FLYNN: Do you know whether just prior
16 to leaving he worked for Author Services Inc.?

17 A I believe he went there. I don't know whether
18 he actually started to work there or not.

19 I think his departure was somewhere around
20 coincident with him going to that area.

21 Q Do you know whether while he was working for
22 Author Services Inc. he was locked up?

23 A I don't know that he worked for Author Services.
24 I didn't say that.

25 Q Prior to working for Author Services Inc. did
26 he ever work with you at Flag?

27 A He worked in the same area, yes.

28 Q Did he work in the Treasury Division with respect

1 to the financial operations of the organization?

2 A Yes.

3 Q And do you know whether he worked with respect
4 to L. Ron Hubbard's personal accounts?

5 A No. I don't know that at all. I doubt it very
6 much.

7 Q When he worked for Author Services Inc. I take
8 it you don't know that he worked with L. Ron Hubbard's
9 personal accounts?

10 MR. HARRIS: Objection. Assumes facts not in evidence
11 based on the witness' testimony.

12 THE COURT: Sustained.

13 How long has it been since you have seen
14 Mr. Hubbard?

15 THE WITNESS: I last saw Mr. Hubbard in late 1975 at
16 Daytona Beach.

17 THE COURT: Your position is Flag Host?

18 THE WITNESS: Uh-huh.
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1 THE COURT: That means you are the host for Mr. Hubbard?

2 THE WITNESS: No, I am the host who attends to those
3 students and preclears as I have described.

4 The LRH part came at the beginning when I
5 was his personal host and sort of stayed with the post
6 title.

7 THE COURT: Okay.

8 Q BY MR. FLYNN: Were you assigned to your post
9 by L. Ron Hubbard?

10 A Yes.

11 Q And was there a standing order by L. Ron
12 Hubbard that you couldn't go out on any missions or be
13 transferred to any other post without his approval?

14 A There was one about -- not supposed to go
15 on missions. I don't think -- I don't recall anything about
16 not being able to be transferred.

17 Q You recall the one about the missions in
18 any event?

19 A The missions made definite reference to.
20 I was supposed to be there and stay on the job and not be
21 chasing off round doing other things.

22 Q Now at the Flag land base in Clearwater,
23 Florida you are aware of at least four deaths that have
24 occurred at that base; is that correct, Mr. Burgess?

25 MR. HARRIS: Objection, Your Honor. It is irrelevant.

26 THE COURT: What is the relevancy?

27 MR. FLYNN: The relevance, Your Honor, goes to
28 Mr. Harris' view that shore stories were created because

1 of apparent claimed persecution as opposed to the highly
2 questionable practices of Mr. Hubbard and his organization
3 which have caused a great deal of harm to many people which
4 Mr. Hubbard is running from.

5 THE COURT: Well, but I don't know how you are
6 going to prove it with this witness, asking him questions
7 about-- what was your question again?

8 Would you read it, please?

9 (Record read.)

10 THE COURT: What period of time, Counsel?

11 MR. FLYNN: Well, from 1975 to 1981.

12 Q Flag land base was created in November 1975;
13 is that correct, Mr. Burgess?

14 MR. HARRIS: I am still stuck on the relevance of
15 deaths at the Flag land base, Your Honor.

16 THE COURT: Well, I am going to sustain the objection.

17 Q BY MR. FLYNN: Well, you are aware there was
18 an RPP at the Flag land base?

19 A Yes.

20 Q And that people were sleeping in the garage?

21 A I didn't know that. I haven't seen that happen.

22 Q When were you there?

23 A I have been there fairly continuously since
24 we began there late in 1975.

25 Q And you don't remember in the 1976-1977 period
26 there being some 200 people or so approximately in the RPP?

27 MR. HARRIS: I will object to that, the form of the
28 question. You don't remember it assumes a fact not in

1 THE COURT: I will sustain the objection to the way
2 it is phrased.

3 Q BY MR. FLYNN: Do you remember about 200
4 people being in the RPF in 1976--1977?

5 MR. HARRIS: Same objection. Same form of the question.
6 It assumes a fact not in evidence; "Do you remember?"

7 THE COURT: Well, sustain the objection to the form
8 of the question.

9 Q BY MR. FLYNN: Were there 200 people in
10 the RPF in 1976--1977, approximately that number?

11 A I have no idea. I did not go around counting.

12 Q You know, there were a large number of people;
13 is that correct?

14 A There were some people. I do not know how
15 many.

16 Q You don't remember anything about sleeping in
17 the garage?

18 MR. HARRIS: Assumes a fact not in evidence, the
19 form of the question.

20 THE COURT: All right, sustained.

21 Q BY MR. FLYNN: Were there people sleeping in
22 the garage?

23 A I have not observed people sleeping in the
24 garage.

25 Q Do you know whether during that period of
26 time minor children were not going to school?

27 THE COURT: Well, you mean in general throughout the
28 whole area of Florida?

1 Q BY MR. FLYNN: Between 1975 and 1980?

2 THE COURT: You mean children of people who were
3 Scientologists or just people in general?

4 MR. HARRIS: I am going to object to it as irrelevant.

5 MR. FLYNN: This goes to whether or not the
6 governments that Mr. Harris claims are persecuting this
7 organization had an interest in trying to find out whether
8 minor children eight and nine years old, were not going to
9 school. People were sleeping in garages. People were
10 committing suicide.

11 THE COURT: Well, the only evidence we have about
12 shore story, I guess, was when they were aboard the ship
13 and that is before we started this Florida operation.

14 Q BY MR. FLYNN: Was there a shore story when
15 you arrived in Clearwater with regard to working for the
16 United Churches of Florida?

17 A No. I never worked for the United Churches
18 of Florida.

19 Q The question is was there a shore story?

20 THE COURT: Do you know what a "shore story" is?

21 THE WITNESS: I know what a shore story is.

22 THE COURT: Was there such a story to some effect?

23 THE WITNESS: Yes, to some effect that was made
24 known.

25 Q BY MR. FLYNN: Did you handle any public
26 relations aspects of the City of Clearwater coming to your
27 organization and making inquiry about complaints they had
28 been receiving about such things as children not going to

1 school?

2 MR. HARRIS: I will object to that. That assumes
3 facts not in evidence and is clearly beyond the scope of
4 direct.

5 THE COURT: I will sustain the objection.

6 Q BY MR. FLYNN: Were you removed in 1973 as
7 the LRH Pers Pro by L. Ron Hubbard?

8 A The news came to me from his personal
9 communicator that that was the fact. Now whether it was
10 from Mr. Hubbard directly, I don't know.

11 MR. FLYNN: That is all I have, Your Honor.

12 MR. HARRIS: Just briefly, Your Honor.

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REDIRECT EXAMINATION

1
2 BY MR. HARRIS:

3 Q Mr. Burgess, have you any awareness that the
4 state of Victoria revealed the anti-Scientology law?

5 A I believe that was all handled long since, long
6 since.

7 Q And that Scientology is recognized as a religion
8 in Australia?

9 A Very much so.

10 Q Now, when you inventoried the materials, that
11 was the last time you saw that particular inventory prior
12 to today; is that correct?

13 A Yes.

14 Q And you understood that you were gathering up
15 private and personal materials of Mr. and Mrs. Hubbard for
16 this task?

17 A That was part of it. It wasn't the whole task,
18 but it was very definitely part of it.

19 Q Did you ever see anything aboard the ship which
20 appeared to be an Intelligence Hat Pack?

21 A No, sir.

22 Q And do you have any knowledge whatsoever of your
23 PC folders ever being culled?

24 A None whatsoever.

25 Q And I take it that you would not expect that they
26 would have been?

27 A No.

28 MR. HARRIS: No further questions.

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MR. FLYNN: I have one question.

RECROSS-EXAMINATION

BY MR. FLYNN:

Q Do you have any knowledge of other peoples' PC folders being culled?

A No, not for any untoward purpose.

There is culling done for technical purposes, but not for any other use.

MR. FLYNN: That is all, Your Honor.

MR. HARRIS: I have nothing further.

THE COURT: We'll take a 10-minute recess.

(Recess.)

1 THE COURT: We are back in session. Counsel are all
2 here.

3 Are we ready to go with the next witness?

4 MR. LITT: Our next witness will be Frank Flinn, Your
5 Honor.

6
7 FRANK K. FLINN,
8 called as a witness by the Plaintiff on rebuttal, having been
9 duly sworn, testified as follows:

10 THE CLERK: Raise your right hand to be sworn,
11 please.

12 THE WITNESS: I do so swear.

13 THE CLERK: Be seated. Please, state your name and
14 spell your last name.

15 THE WITNESS: My name is Dr. Frank K. Flinn, F-l-i-n-n.
16 I live --

17 THE CLERK: Frank A.?

18 THE WITNESS: K.

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1 MR. FLYNN: Your Honor, I am going to move to strike
2 any testimony from this witness. I have read affidavits
3 of Dr. Flinn, I believe his title is, and I assume that
4 the purpose of this testimony is to say Scientology is a
5 religion, which the court has already recognized, so I
6 think it is totally irrelevant testimony.

7 THE COURT: I don't know. What is your witness going
8 to testify to, Mr. Litt?

9 MR. LITT: He is going to testify to several matters,
10 Your Honor, and not really -- I mean the court has already
11 found that Scientology is a religion.

12 What he will do is talk about his familiarity
13 with Scientology, various practices that have been placed
14 in issue in this case in the context of practices of a
15 variety of religions, including the distinction between
16 ecclesiastical power and corporate organization and various
17 religious movements.

18 THE COURT: Well I will go ahead and let the
19 witness testify and we will see what happens. You may proceed.

20 I will overrule the objection.

21 MR. LITT: Thank you.

22

23

DIRECT EXAMINATION

24 BY MR. LITT:

25 Q Mr. Flinn, would you tell us what your
26 present occupation is.

27 A Okay. I am presently senior religion editor
28 with the Edwyn Mellen Press of Toronto and New York, and I

1 do consultant work in ecumenical activities in regard to
2 dialogue between various religions.

3 Q Do you have any background or training in the
4 field of religion?

5 A Yes, I do.

6 Q And can you tell us what that is, please?

7 A Okay. I received my Bachelor of Arts degree in
8 philosophy, particularly in Medieval philosophy and partial
9 studies in psychology at Quincy College in Quincy, Illinois.

10 At that time I joined the Order of the
11 Friars Minor, known popularly as the Franciscans, and I
12 studied with the Franciscans until 1964.

13 I then attended Harvard Divinity School where
14 I took a Bachelor of Divinity degree in religion, and
15 subsequent to that time I studied at the Univeristy of
16 Heidelberg in Religious Studies and in philosophy, and then
17 I returned to the United States where I did a year's further
18 graduate work at Harvard Divinity, specializing in ancient
19 and Near Easter religion and also studied ancient and
20 Near Eastern religion at the University of Pennsylvania.

21 Subsequent to that time I taught for five
22 years and then I returned to the University of Toronto at
23 the University of St. Michael's College where I took a
24 doctorate in special religious studies, including Biblical
25 studies and I did a special division on new religious
26 movements.

27 Q And at Harvard Divinity, what place did you rank
28 in your class on graduation?

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A I graduated at the top of my class, magna cum
laude.

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1 Q Now, have you taught at all any courses in the
2 field of religion?

3 A Yes. I have taught many courses in the field
4 of religion.

5 I taught Biblical Studies at Newton College of
6 the Sacred Heart in Newton, Massachusetts.

7 I also taught Biblical Studies at Boston
8 College.

9 I taught courses in the Anthropology of Religion,
10 Religious Symbolism at LaSalle College in Philadelphia in
11 the summers from 1969 to 1973.

12 I was tutoring in Comparative Religion at the
13 University of Toronto in 1975.

14 I taught courses in American Religious Phenomenon,
15 plus many other types of courses, at St. Louis University
16 from '77 to '79.

17 MR. FLYNN: I have no objection to the witness'
18 qualifications, Your Honor.

19 THE COURT: Let's go forward. We don't need to spend
20 a lot of time on qualifications, counsel.

21 Q BY MR. LITT: You yourself, Dr. Flinn -- well,
22 let me ask one other background question.

23 In the context of your religious studies have
24 you mastered various languages to enable you to study
25 religious movements in history?

26 A Many ancient languages, yes; Greek, Hebrew,
27 Samarian, Arcadian, Latin.

28 I have also acquired the basics of one American

1 Indian language when I was studying American Indian Religions
2 plus many modern languages.

3 Q And you yourself are a Roman Catholic?

4 A I am a practicing Roman Catholic.

5 Q At some time in the course of your study of
6 various religions did you do any investigation into the
7 subject of Scientology?

8 A Yes; as part of my -- I first got acquainted with
9 new religious movements in general when I taught the course
10 on the anthropology of religion at LaSalle, a graduate study
11 of religion, from 1969 on where I had students do field
12 reports and types of religious activities going on in
13 Philadelphia.

14 Subsequent to that time I did formal study of
15 a variety of newer religious phenomenon in doing my doctoral
16 studies among which was Scientology.

17 Q Can you tell the Court at this point what
18 opportunity have you had to study the subject of Scientology?

19 A I first became acquainted -- I knew about
20 Scientology already in 1970, but I had no particular direct
21 interest.

22 About 1976, I met -- interviewing a variety of
23 things that were going on in Toronto itself -- I met some
24 Scientologists. In the course of my doctoral study I started
25 getting interested in Scientology, whether or not it was even
26 a religion. I didn't know what kind of real phenomenon it
27 was.

28 I began reading the basic writings of Scientology,

1 Dianetics, the fundamentals of thought. And subsequent to
2 that time I have read most of the basic Scientology writings
3 and done research into it.

4 I have also done -- at one point in 1979 I became
5 very formally interested in Scientology. And I conducted
6 a type of interview that I call a spiritual autobiography
7 where I tried to trace the life course of someone's faith
8 development which is a type of interview. I did 20 of those
9 interviews which were about three hours long with different
10 Scientologists.

11 I have subsequently interviewed many, many
12 Scientologists on a more informal basis about how they joined
13 the religion; how they joined; what motivated them to join;
14 what they saw in the religion; what the religion did for
15 them; how they described their meanings of their lives in
16 terms of their commitment to this movement. I have done this
17 type of interview with other groups too.

18 Q Approximately how many -- you indicated that you
19 did 20 formal interviews?

20 A Yes.

21 Q Approximately how many additional less formal
22 interviews have you been able to do?

23 A I have not kept close tabs on that, but it is
24 over 100 more informal ones.

25 I try to interview anyone I can meet.

26 Q Have you also visited any Scientology facilities
27 in order to observe the activities there?

28 A I have observed closely the Scientology Center

1 in Toronto when I was doing my doctoral work. I observed
2 the Scientology facility, training procedures in St. Louis
3 and in Portland when I was there once and here in Los Angeles
4 and in Clearwater, Florida.

5 Q And have you recently published anything on the
6 subject of Scientology?

7 A Yes. I have a recent article which appeared in
8 a volume edited by Joseph Fichter, F-i-c-h-t-e-r, called
9 "Alternatives to Mainline Churches" which just recently
10 appeared last fall.

11 The title of the article is "Scientology is
12 Technological Buddhism."

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1 Q And is this the only article you have written
2 on the subject of Scientology?

3 A This is the only article directly on Scientology
4 itself.

5 Q And how many articles, without going into what
6 they all are, approximately how many articles in the
7 field of religion have you published?

8 A At least 25. I have not counted my list
9 recently. I have many more to add. My vitae is always
10 behind me.

11 Q Now, very briefly what are the characteristics
12 in your judgment that define a religion?

13 A In general, I use a general definition of
14 religion which I have arrived at from empirical study of
15 a variety of religions, both ancient and modern, and my
16 definition of religion is that religion has to contain a
17 system of beliefs, and these beliefs must be carried out in
18 what would traditionally be called practices of a spiritual
19 or religious nature.

20 I divide those practices into two different
21 kinds of practices. There are more ethical types of
22 practices which entail negative commands and positive
23 commands, taboos and positive urges.

24 This belief system and these practices, in
25 turn, serve to shape and form the spiritual life of an
26 identifiable community that has a commitment to some ultimate
27 reality.

28 Q And you have observed that Scientology meets

1 these characteristics?

2 A Yes. I think Scientology definitely has a
3 belief system. That belief system is expressed in what
4 scientology calls the creed of Scientology. I see the
5 essence of that creed residing in the conception that
6 human beings are what Scientologists call Thetans and which
7 is in traditional religious language means that they have
8 immortal souls, undying spirits.

9 Scientologists have both positive and negative
10 ethical types of commands and also ceremonial types
11 of activities. Their principal ceremonial life is expressed
12 through what they call auditing, which is a practice of,
13 they describe as a process of moving up the bridge through
14 the auditing process which has various grades of spiritual
15 perfection, very much like the types of spiritual contemplation
16 that one sees in the religious treatises of St. Ignatius'
17 "spiritual exercises" and also of St. Bonaventure's "Journey
18 of the mind onto God."

19 The Church of Scientology seems to have --
20 definitely has what would be described as a heirarchical as
21 opposed to congregational religious organization.

22 Q Now can you describe for us the difference
23 between heirarchical and congregational form of religion
24 as that operates in various religious movements?

25 A The prevalent form of religious organization
26 historically in the United States has been what is known as
27 the congregational, and in congregational church policy,
28 such as you find generally among Presbyterians and Methodists

1 and Baptists, is a polity where the congregation makes
2 decisions as a group.

3 Generally they have either boards of elders or
4 elected types of officials where the congregation or
5 parish itself makes decisions of what shall be the faith and
6 practices and organizations of a local congregation.

7 In heirarchical religion you have religious
8 figures -- in congregational, one way of describing is
9 authority is exercised on a horizontal way, out from the
10 parish in a more horizontal type of fashion.

11 In heirarchical religion authority is exercised
12 from the top down, and in heirarchical religion, you have
13 religious figures like popes or bishops or central religious
14 leaders who generally have under them various officers,
15 various divisions or compartments for the exercising of
16 authority from the top down.

17 The classic example of a heirarchical religion
18 has always been, according to scholars, the Roman Catholic
19 Church.

20 Q Just by way of reference, can you give some
21 other examples of heirarchical religions, not describe them,
22 but just name them as opposed to congregational religions?

23 A The Greek Orthodox Church which has a
24 patriarch and bishops under the patriarch would be described
25 as a hierarchical religion.

26 The Anglican Church of England would be, and
27 I suppose Episcopal churches in a different kind of way, but
28 they are still heirarchical. They have bishops in authority

1 and the preservation of faith and doctrine is carried on
2 through offices of religious leaders like bishops, and
3 the Bhuddist --
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1 Buddhism itself has Bishops. And it varies from
2 country to country.

3 In the Far East Buddhists also have Bishops who
4 exercise authority over the Sanghas or the monasteries below
5 them.

6 Q Now, have you had the opportunity to understand
7 what the word "scriptures" means within the context of
8 Scientology?

9 A Scientology has many, many writings. But
10 Scientologists seem to hold all of the writings of L. Ron
11 Hubbard or anything identifiable as the tech to be the
12 equivalent of their sacred scripture. That includes also
13 all of the policy statements that are collected in this long
14 series of volumes that are known as the "Green Books."

15 So it is in terms of tech and management manuals
16 plus the writings such as Dianetics, which is prelude to
17 Scientology, Scientology, Fundamentals of Thought; all of
18 these volumes are held to contain the scriptures for
19 Scientologists.

20 Q And in your understanding you have had the
21 opportunity to read and review these materials in large
22 part?

23 A It would take a lifetime to read all of the
24 Scientology literature.

25 I have read most of the basic books. And I have
26 sampled and surveyed most of the Red and Green Volumes at
27 various times.

28 Q And from what you have been able to observe from

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1 your study, can the Scientology scriptures be understood in
2 isolation from each other, or what approach is needed in order
3 to get an understanding of what the meaning of the scriptures
4 of Scientology is?

5 A It is very difficult to understand Scientology
6 because I myself found difficulty in the beginning because
7 they seem to use ordinary language in a very specialized type
8 of sense. And I found out that I had to reserve making
9 judgment about whether or not it was even, indeed, a religion
10 itself when I first began to study it until I had surveyed
11 a rather vast amount of material.

12 It is very easy to take some very controversial
13 points and focus on them. But one has to see how all the
14 parts fit together. And this is true with any other type
15 of religious scripture.

16 The Bible, one can take little passages out of
17 the Bible and sometimes even be upset by that unless you see
18 it in its context. It is very important to find out what
19 the contexts are in Scientology.

20 Q In the course of your study of religions have
21 you had the opportunity to take note of the role of a
22 charismatic leader in the formation and development of a
23 religion?

24 A Well, when I first did my interviews with
25 Scientologists, I found out that Mr. Hubbard seems to have
26 the function of a religious founder.

27 They call him "The Researcher," a friend that
28 has all of the characteristics of a charismatic leader.

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And traditionally, scholarship has identified various religions, some as being bureaucratic-type religions, organizational-type religions, and some as being religions that had their beginnings in a charismatic-type movement.

Many people would say that Christianity today is a kind of organizational religion. But in the early days Christianity had what was called a charismatic leader.

L. Ron Hubbard seems to fit into the category of a charismatic inaugurating figure, very much like the Buddha or Buddhism or Moses for Judaism or Jesus for the varieties of Christianity.

Also, he shares many kinds of characteristics within Christianity of founders of religious orders.

Examples would be St. Francis of Assisi; St. Ignatius of Loyola; St. Benedict, the founder of the Benedictines.

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1 Q And where a charismatic leader of the type
2 that you talked about plays a role within a religious movement,
3 what are the main functions that that person plays?

4 A This person is generally seen as someone who
5 has an extraordinary perception of the ultimate reality,
6 someone who has a vision of ultimate truth, someone who has
7 achieved, for example, you could use St. Francis as an
8 example, a perfect imitation of Jesus Christ, someone who
9 has extraordinary powers of perception and vision of the
10 future. Those kinds of things that will generate a following.

11 Q And do such leaders play a role in the
12 development of cohesiveness for the religion?

13 A Yes, specially during the lifetimes. They
14 become the center of focus of the faith of the community,
15 and they retain what one would call a status of reference
16 for those who adhere to this movement.

17 Q I want to ask you some questions with respect
18 to some historical examples that parallel certain issues in
19 this case.

20 Let me ask you about St. Francis of Assisi
21 who was one of the persons that you mentioned. What role
22 did he originally play within the Franciscan Order?

23 A St. Francis --

24 MR. FLYNN: Your Honor, I have tried not to object,
25 but we are now -- Assisi is what, 12th or 11th Century, and
26 we are now in the 20th.

27 THE COURT: I think we can abridge this a little bit.

28 MR. LITT: This will be very brief, but it does have

1 a very important purpose as the court will see.

2 THE COURT: All right, go ahead. We will see what
3 happens.

4 THE WITNESS: There are certain analogies between
5 the life course of Francis of Assisi and L. Ron Hubbard.
6 Francis of Assisi was the founder of what is now known as
7 the Franciscan Order.

8 THE COURT: Is he the gentleman that eschewed poverty?

9 THE WITNESS: That is right; that followed poverty,
10 Your Honor.

11 I am not talking about their teaching; about
12 their life course. St. Francis founded the Order of the
13 Friars Minor and he stressed poverty intensely, but the
14 parallel between his life and the life of L. Ron Hubbard
15 is that he was originally the founder of the religious order,
16 and he received the title when the Order was approved by the
17 papacy. He received the title of Minister of the Order
18 or Servant General of the Order, and toward the end of
19 his life in -- toward the end of his life, he resigned
20 from being Minister of the Order and retained the role in
21 the status in the function of being the founder of the Order,
22 and all the friars called him Father, and he was the only
23 one that had the title of Father for the Order. In terms
24 of his life course doctrine, it was very much the opposite
25 of the doctrines of other religions.

26 Q BY MR. LITT: Now, after St. Francis resigned
27 from the title of Minister in his position as Father, did
28 he play any role in affecting the Francisca Order?

1 A Immediately after he resigned which was
2 around, in terms -- it is hard to date it exactly, but
3 around 1220, the Franciscans by that time had spread all over
4 Europe. Somewhere around 30 to 40,000 Friars existed at
5 that time already, had a major chapter called the Chapter
6 of Mats, and a controversy arose within the Order whether
7 or not the Friars could own property collectively as a group
8 because up to that time they had taken vows of absolute
9 poverty individually and as a corporate group, and there were
10 various factions within the Order that were saying, "Well,
11 individually we can't own property, but maybe collectively
12 we could own property."

13 And St. Francis was vehemently opposed to
14 the Friars owning property, either individually or collectively,
15 and he sent many messages to the Chapter of Mats and, in
16 fact, intervened as founder and said this would be
17 contrary to the essence of the religious vision of the way
18 of life that is in total imitation of Christ as he saw it,
19 and so he intervened directly in the decision, and the
20 Order subsequently decided the Chapter -- it was really
21 a convention of all Friars -- decided against collective
22 ownership through his intervention.

23 Q And was the fact of his intervention anything
24 unusual?

25 A No, not at all, particularly with someone who
26 is a religious founder. Many founders of religious orders,
27 particularly within the Roman Catholic tradition intervene
28 after they resign from executive positions because they were

1 the ones who originally formulated the vision of faith
2 and doctrine.
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16-1 1 Q Now, after St. Francis resigned, was he provided
2 any material provisions by the Franciscan Order?

3 A The minister general following St. Francis
4 provided that he have Friars to go with him who were
5 secretaries; he was provided a place of residence.

6 The Friars collectively owned nothing. They had
7 lay people who owned their property for them and gave the
8 use of it to the Friars.

9 And he had the Poor Praying Sisters assigned to
10 cook his meals. It wasn't a very glorious existence, but
11 he did have people assigned to take care of him out of
12 reverence for the fact that he had been the founder.

13 Q Was he also provided a Church?

14 A He had the Church of San Damiano assigned for
15 his particular use.

16 Q Now, there has been discussion in this case
17 concerning the subject of corporate integrity; can you tell
18 me how is the typical Archdiocese of a Catholic Archdiocese
19 incorporated in the United States?

20 A If one examines, for example, the record of
21 incorporation of the Archdiocese of Los Angeles one would
22 find that the Archbishop of Los Angeles functions as a
23 corporation soul for the diocese. As the chief executive
24 officer of the Roman Catholic Church, by the corporate soul
25 is meant the sole possessor and administrator of all diocesan
26 properties, goods, and services in the Archdiocese of
27 Los Angeles.

28 That is a kind of direct immediate function of

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1 an Archbishop.

2 Q Within the corporation soul is there anybody else
3 who in a corporate sense as far as you are aware has any
4 status corporately?

5 A Bishops have committees of advisors, but who do
6 not have the power. The power resides in the bishop. All
7 the power resides in the bishop except the bishop serves at
8 the permission of the Pope in Rome. All bishops are appointed
9 by Rome.

10 Q Let me ask you about that.

11 Describe whether or not the Pope has any power
12 to affect the separate corporation that is incorporated such
13 as the Archdiocese of Los Angeles?

14 A This has happened historically.

15 If a bishop were found to be controvening faith
16 and doctrine and morals and bringing scandal to the Church
17 and his diocese or if he became entangled in an enormous
18 financial difficulty or some other kind of scandalous
19 activity, that bishop could be removed by the Pope in Rome
20 and someone put in his place to assume the function of
21 administrator for the diocese.

22 And this would be so even if the bishop
23 objected?

24 A That would be even if the bishop objected.

25 Q And even though the bishop is the sole
26 administrator and incorporator --

27 A In Roman Catholicism a bishop is the administrator
28 of his immediate diocese, but the Pope is like the pastor

1 of all diocese; the real ultimate pastor of all diocese is
2 the papacy, the Pope.

3 Q And is this pursuant to ecclesiastical law that
4 this relationship --

5 A These provisions are contained in what is known
6 as the Corpus Juris Conic, C-o-r-p-u-s J-u-r-i-s C-o-n-i-c,
7 which means the body of the Canon Law.

8 And there are various sections of the body of
9 Canon Law that detail how bishops and archbishops are assigned
10 their powers at the behest of the papacy.

11 Q And if there is a vacancy in an archdiocese, who
12 is it that has the power to appoint a person to be the new
13 archbishop?

14 A Solely that perogative belongs solely to the
15 Pope.

16 Q So that is passed down ecclesiastically?

17 A Yes. That is what we call an ecclesiastical line
18 of authority as opposed to a corporate or incorporated
19 exercise of authority.

20 Q Is this relationship replicated in any way at
21 lower levels within the Catholic Church?

22 A Well, the pastor of a local parish is assigned
23 by his bishop; so it is exactly parallel here. But the
24 immediate pastor of all parishes is not really pastor serving
25 in that function. The immediate pastor is assumed to be the
26 bishop. And the local pastor is in the place of the bishop
27 himself.

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1 Q So under Roman Catholic ecclesiastical law the
2 bishop has the power to appoint or remove pastors of local
3 churches?

4 A That is right.

5 Q Is that irrespective of any corporate
6 arrangements?

7 A That would be irrespective of any corporate
8 arrangements.

9 Q Now, does the Pope have the power to require
10 payment of moneys to the Vatican?

11 A Yes. Every diocese throughout the world,
12 but most especially the diocese in the United States since
13 they are the wealthiest diocese in the world, are assigned
14 what is know as a cathedraticum, and these are ecclesiastical
15 taxes for the support of the Vatican itself and for the
16 mission of the church at large throughout the world,
17 particularly in the mission lands. There are various types
18 of taxes collected.

19 Once a year there is a collection that is
20 called Peter's Pence. Throughout the United States and
21 throughout the world that is assessed to all parishes and
22 all members of the faith, and that money is forwarded
23 directly to the Vatican for the support of the offices of
24 the Vatican and for various functions of the papacy.

25 There are also other types of taxes that are
26 assessed, particularly for the propagation of the faith
27 which is also administered through the Vatican.

28 Q And does the Vatican place weight on the need

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1 to raise money?

2 A Yes. I mean, people are in the Code of Canon
3 Law there are provisions assigning -- the way to state
4 that in common language would be to say if a bishop refused
5 to pay the universal church taxes, he would be in severe
6 trouble.

7 Q And this power of the Pope is also pursuant to
8 canon law, ecclesiastical law?

9 A That is right. That is ecclesiastical law.

10 Q And can the Pope require special collections
11 of moneys?

12 A Yes. There are many various types of special
13 collections that periodically become urgent like collections
14 for relief of various churches in poor countries. Those
15 can be assigned by the Pope.

16 Q And the Pope has this authority throughout the
17 world regardless of the corporate setup of the particular
18 Catholic church or archdiocese in the various countries?

19 A That is right.

20 Q Can the Pope pursuant to ecclesiastical
21 law affect organization or administration of Catholic arch-
22 diocese or churches?

23 A The various organizational structures of the
24 church, they vary somewhat from country to country and they
25 also vary according to the relationship between church and
26 state in each country, but generally there are standardized
27 forms and those standardized forms are pursuant to the body
28 of Canon law, also known as the Code of Canon Law which

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1 is the code directly formulated and approved by the papacy
2 itself, and so that directly affects administration of
3 the church throughout the world.

4 Q And can the Pope affect the individuals who
5 are appointed to administrative posts within archdiocese?

6 A There are many complex ways that is effected.
7 The papacy, for example, must approve of certain types of
8 appointments to officers in an archdiocese such as the
9 appointment of a chancellor, the appointment of the chaplain
10 to nuns, the appointment of rectors of seminaries are all
11 types of appointments which nominations are made by bishops
12 but approval must also come from Rome.

13 Q And this is also pursuant to ecclesiastical
14 law?

15 A That is right.

16 Q Now, let me ask the question this way: Is
17 there such a thing called an Apostolic Delegate that can be
18 found in various countries?

19 A In the United States the Pope's personal
20 representative to the church in the United States, now
21 assuming a different function, he will become an official
22 diplomat recognized by the United States political
23 arrangement, it is called the Apostolic Delegate and in other
24 countries that person is called the Papal Nuncio. The word
25 "Nuncio" means messenger or announcer, and would be called
26 ambassador in secular language of the Pope to a country
27 and to the church in that country.

28 Q And among the functions of the Apostolic Delegate

1 Papal Nuncio, are their responsibilities to make determinations
2 for submission to the Pope as to whether the Pope should
3 intervene?

4 A That is right. Each year every diocese is
5 required to submit a report on the diocese and the Apostolic
6 Delegate also collects his own information about the
7 running of the church in the various diocese throughout the
8 United States and reports are made to Rome, and if problems
9 would exist, both fiscal and spiritual problems; that is
10 problems in terms of faith and morals and problems in terms
11 of financial arrangements, reports are made to Rome, and
12 if a case became severe, the papacy could and has intervened
13 with the appointment of Apostolic administrators.

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1 Q And if that does occur, does that person have
2 the authority under ecclesiastical law to assume all functions
3 within --

4 A If the Vatican saw fit, if the case were urgent
5 enough and the Vatican saw fit, that person could be appointed
6 total administrator of a diocese.

7 Q Does the Pope also have the power to send
8 missions into various archdiocese?

9 A Yes. In the United States now there is a special
10 papal commission that is examining all the educational
11 facilities of all seminaries for the training of priests
12 throughout the United States. This commission is going from
13 diocese to diocese throughout the United States compiling
14 a report which will be filed with the Vatican when they are
15 finished.

16 Q And the local churches are required under Canon
17 Law to cooperate in any way required?

18 A That is right.

19 Q By the way, does the Catholic Church have any
20 form of collecting information that it feels is important
21 for its own survival or benefit?

22 A Yes. Each diocese is part of a metropolitan
23 diocese; that is, ordinary bishops are under a metropolitan,
24 generally called an archbishopric; for example, Los Angeles
25 is the Metropolitan Diocese of the Bishopric in San Diego.

26 Q And the metropolitan -- each individual bishop
27 makes reports and each metropolitan makes reports on the
28 bishoprics within its domain and these reports are all sent

1 in to Rome?

2 MR. FLYNN: Your Honor, are we going to study the
3 Catholic Church? Is all of this before or after the Pope
4 resigned?

5 MR. LITT: Your Honor, this is all in the context of
6 putting in perspective the question of the relationship within
7 Scientology, which we'll get to, within ecclesiastical lines
8 and corporate integrity. Because there has been an issue
9 made of corporate integrity with respect to Scientology
10 which operates as a hierarchical religion just as does the
11 Catholic Church. And accordingly, this information, I think,
12 is clearly relevant to put in perspective the traditional
13 practices within religious movements of the relationship
14 between ecclesiastical law and corporate individuality.

15 MR. FLYNN: Your Honor, there is a simple answer to
16 that. And it is that civil authority with regard to issues
17 of inurement and maintenance of corporate integrity has
18 nothing to do with ecclesiastical law. And if we were to
19 spend the next week studying the potential analogs between
20 one religion and the Church of Scientology and L. Ron Hubbard,
21 it would be an exercise in frivolity.

22 The simple issue is whether or not Mr. Hubbard
23 under the civil laws of the United States violated those
24 civil laws with regard to his activities and conduct,
25 particularly with regard to financial arrangements of these
26 organizations. And he has already, in several tax years,
27 been found to have done that. And I have the decision here
28 with me. And the tax years from 1970 to 1980 are all now

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1 under review.

2 THE COURT: It seems to me that we are -- it may be
3 that the Catholic Church is a hierarchical organization.
4 And it may be that Hubbard's conception of Scientology is
5 also a hierarchical organization. But we have gone along
6 with this for quite some time now.

7 You'll have 10 minutes to wind up this business
8 on the Catholic Church and how it might relate to Scientology
9 organizationally.

10 MR. LITT: Thank you, Your Honor. I only have a bit
11 more on that.

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1 Q BY MR. LITT: Now, within various religions,
2 again let's use the Catholic church for starters, are
3 religious leaders provided various services for their own
4 use?

5 A Yes, as I said earlier, the paradigm of all
6 heirarchical religions is the Roman Catholic Church. Each
7 bishopric has personal property; mansion, limousines, servants,
8 housekeepers and other kinds of emollients for their
9 personal care.

10 The papacy itself has upwards thousands of
11 people that are directly attached to the papacy, including
12 the Swiss Guards who conduct both overt and covert protection
13 of the Pope. Has grounds keepers for the Vatican, housekeepers
14 for the Pope and for the papal apartments. There is a
15 whole religious order of nuns dedicted to that.

16 There is caretakers of the Vatican's portfolio
17 for investments which are made throughout the world. There
18 is grounds keepers for the summer residence of the Pope
19 which is at Grotto Ferrato.

20 Q Now, these residents that you are talking about,
21 are these solely for the use of the Pope?

22 A The Vatican -- there are papal apartments within
23 the Vatican. The Vatican is, in secular language, the
24 Vatican would be called the kingdom of the Pope in secular
25 language. It is under his personal dominion and also the
26 official offices of the church are contained within the
27 Vatican.

28 Q And the Pope has provided a personal staff to

1 take care of his personal living quarters?

2 A That is right.

3 Q And is he provided a personal staff to take
4 care of personal -- let me rephrase that.

5 Is he provided secretaries for personal use
6 as opposed to general church use?

7 A For both. He is provided secretaries for
8 both.

9 Q Is he provided personnel who handle his
10 personal banking and financial matters?

11 A Yes he is.

12 Q And this is not church moneys but his own
13 moneys?

14 A His own moneys.

15 Q Are there people responsible for his personal
16 public relations?

17 A Yes there are.

18 Q And these are assigned to promote the public
19 image of the Pope?

20 A That is right. Generally the Office of the
21 Papal Chamberlains they are called.

22 Q And all of these posts that you have described
23 that serve the Pope personally, who employs and pays them?

24 A The Church Universal. They are employed --
25 they are paid by the church. Their salaries come out of the
26 many taxes and donations that go to the Vatican.

27 Q And is it considered an honor to be able to
28 serve in such capacity?

1 A Yes, it is. One would not turn down an office
2 to serve the Pope personally.

3 Q You have described the Catholic church and
4 how it operates. Aside from the strictly heirarchical form,
5 are there other religions that have analagous types of
6 heirarchies?

7 A The Anglican Church of England or the Church
8 of England. It has an archbishop with many bishoprics
9 under him throughout the world, and that also is a heirarch-
10 ical religion. It is different than Roman Catholicism in the
11 sense that the Crown of England is considered to be head of
12 the church in England. You did not have the separation of
13 church and state in England.

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1 The various orthodox varieties of orthodoxy
2 throughout the world also have hierarchical formations.

3 In the Far East, depending on the country, in
4 the Far East various Buddhist, Llamas in Tibet, originally
5 in Tibet organized under a Llama who is kind of like a Pope
6 for the Tibetan Buddhists and has many abbots and bishops
7 underneath him. And there are many varieties of Buddhist
8 organizations throughout the Far East. But they have in some
9 instances hierarchical definitions.

10 Q And does the Synod work in a somewhat similar
11 way?

12 A In the United States various Protestant
13 denominations are kind of in between the congregational and
14 the hierarchical; in some ways closer to the hierarchical
15 type of religions, particularly Lutheran Synods are organized
16 and run by what is known as a Senate which is kind of like
17 a collective corporate leadership, having a president who
18 functions in a more hierarchical than congregational way,
19 but not with the same types of powers that a Pope or, say,
20 a Llama has.

21 Q Within some of these Protestant denominations
22 that you are referring to does the Synod have the power to
23 decide appointments even though a local congregation may be
24 a separate legal entity?

25 A Generally there is a lot of variety in Protestant
26 denominations. But there are types where the congregation
27 has the sole responsibility and authority to appoint its
28 Pastor.

1 There are other kinds where a local congregation
2 cannot appoint a Pastor without the concurrence of the Senate
3 leadership.

4 So where it is kind of a joint appointment --

5 Q There has been testimony in this case concerning
6 the question or the claim that certain persons while members
7 of Scientology were put under forms of restraint or
8 detention.

9 Are there examples in religions that you have
10 studied where there exists facilities where people are
11 required to go and to be in essence, I guess, detained?

12 MR. FLYNN: Your Honor, in the Middle Ages the Catholic
13 Church was burning people at the stake. And it was done
14 pursuant to Canonical or Canon Law to burn people, including
15 as recently as probably the 1600's in this country in New
16 England; however, there is civil authority. And when people
17 do not want to be locked up and they get locked up, then I
18 would submit the difference between that and having a person
19 voluntarily go off and do penance is a significant thing.

20 And rather than wander into the various religious
21 practices of monks doing penance as opposed to people
22 believing they have to go to work for a nuclear physicist
23 when they find in fact he was a con man and then getting
24 locked up when they try to leave is significantly a different
25 thing.

26 THE COURT: Obviously everything is relative. I assume
27 that any organization has certain powers of discipline.

28 Be that as it may. They still have to conform

1 to the civil codes of the territory in which they are
2 functioning.

3 MR. LITT: We are simply trying to provide a context
4 for practices which have been placed in a certain perspective
5 which are quite traditional practices. We are simply trying
6 to establish that. It can be argued as to what weight to
7 give it.

8 THE COURT: Well, you can tell us about -- okay. Go
9 ahead.

10 MR. FLYNN: You can put a context on what Charles Manson
11 did as a religious practice.

12 THE COURT: Let's not get carried away, Mr. Flynn.

13 The lawyer, not the witness.

14 THE WITNESS: Thank you, Your Honor.

15 MR. FLYNN: We both may have the same tendency, Your
16 Honor.

17 THE WITNESS: Could you repeat that question?

18 Q BY MR. LITT: Yes.

19 Are there instances of which you are aware as
20 part of people remaining within a religion that they are
21 required to put themselves under forms of restraint?

22 A There is a common practice that has developed
23 in this century in the United States, particularly the
24 initiator of this type of process or form of discipline was
25 Cardinal George Mundalein of Chicago who was Cardinal of
26 Chicago from 1916 to 1939.

27 When he came into the Bishopric of Chicago he
28 found out there were many quite undisciplined priests of what

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1 was known at the time as wandering priests throughout the
2 diocese. And he found many pastors who were engaged in
3 sexual liaisons which does not sit too well in Roman Catholic
4 circles.

5 He found priests who were suffering from alcohol
6 problems and he found priests who were not conforming to what
7 the Catholic Church sees as the exemplary model that a priest
8 should follow.

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1 And he was one of the first bishops in the
2 United States to establish houses for the rehabilitation of
3 priests, and subsequent to that time the bishops throughout
4 the United States have established houses, the most famous
5 of which the House of the Paraclete in Jemez Springs,
6 New Mexico, which was founded initially to handle errant
7 priests for a variety of reasons, mostly for alcoholism
8 throughout the United States, and that was supported by
9 the bishops of the United States.

10 A priest, if he wanted to remain a priest,
11 would be sent to this house in which the discipline was
12 rather rigid and where the life was more penitential to
13 serve for a period of time in hopes that the person would
14 reform.

15 Q And so long as people remained a member of the
16 group or of the religion, were they free to leave without
17 permission?

18 MR. FLYNN: Your Honor, I am going to object again.
19 All the evidence in this case relates to people when they
20 wanted to leave and tried to leave and were locked up.

21 MR. LITT: There is no evidence, but Mr. Armstrong
22 testified that he was imprisoned in the RPF, Your Honor.

23 MR. FLYNN: The state of the record at this point, the
24 witness has just testified if they wanted to remain a
25 priest. Nancy Dincalci testified as soon as she wanted to
26 leave, they had a guard put on her. Laurel Sullivan testified
27 as soon --

28 THE COURT: I don't know that we have had any discussion

21/2

1 about priests. Of course, maybe the auditor, anybody that
2 is an auditor is a priest or minister within Scientology.
3 Maybe that analogy fits.

4 Let's just take a recess and come back at
5 1:30 and we will think about.

6 Why don't we try --

7 MR. LITT: I really don't have much more.

8 I am done with this subject and I have two or
9 three more areas. I expect another 15 minutes.

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1 LOS ANGELES, CALIFORNIA; FRIDAY, JUNE 1, 1984; 1:30 P.M.

2 DEPARTMENT NO. 57

HON. PAUL G. BRECKENRIDGE, JR., JUDGE

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4
5 THE COURT: We are back in session. Counsel are
6 present. The witness has retaken the stand.

7 State your name again for the record, sir. You
8 are still under oath.

9 THE WITNESS: My name is Frank K. Flinn.

10
11 FRANK K. FLINN,

12 the witness on the stand at the time of the recess, having
13 been previously duly sworn, resumed the stand and testified
14 further as follows:

15 THE COURT: You may continue, Mr. Litt.

16 MR. LITT: Thank you, Your Honor.

17
18 DIRECT EXAMINATION (Resumed)

19 BY MR. LITT:

20 Q Now, Mr. Flinn, you were describing this facility
21 maintained by the Paracletes; are there other religions that
22 have similar type facilities?

23 A Various religious groups maintain special types
24 of treatment centers for errant pastors for the rehabilitation
25 of these people. There would be places where people, if they
26 do want to remain in religious service of any kind, they'll
27 have to undergo the treatment or they may make the choice
28 of leaving completely. But if they do go to it, they have

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1 to undergo the discipline.

2 Q And in connection with matters like these and
3 other matters, are there various religions that maintain
4 their own files with respect to the activities of their staff
5 members?

6 A Most religious denominations in the United States
7 maintain annual reports on the status of the parishes and
8 the patterns and religious order members, annual typed
9 reports, that are kept in special archives.

10 The archdiocese or diocese of every bishopric
11 in the United States has a very special archives where files
12 are kept on both religious, on religious members of the
13 archdiocese, priests of the archdiocese and even in some
14 cases lay people of the archdiocese that contain very
15 confidential information. And those are kept under strict
16 supervision. They are kept in what was traditionally known
17 as the Cursor a locked portion of the archives.

18 Q And does this confidential information include
19 personal information?

20 A Yes, it does.

21 Q Now, you also were describing earlier concerning
22 the personal staff provided to the Pope; aside from the Pope
23 are other religious figures within Catholicism also given
24 personal staffs?

25 A Yes. The heads of most religious orders have
26 staff, both ecclesiastical work and, in some cases, for their
27 personal work.

28 Each bishop has a personal staff that takes care

1 of his chancellery office. He may also be provided with
2 staff to take care of -- in some cases, bishops have personal
3 homes other than the official home provided by the archdiocese.
4 And they have secretaries and people to handle their personal
5 affairs.

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1 Q Now, you described the difference between
2 heirarchical and congregational religions in general.

3 Based on your study of Scientology, how would
4 you characterize Scientology in relationship to that?

5 A Okay. My observation of Scientology --
6 the time I spent most studying Scientology was between about
7 1976 -- I began studying it in 1976-1977 and concentrated
8 it up to about 1981. So, I understand Scientology, I have
9 seen some information that it has changed structure since
10 that time, so my information dates from about 1979 principally,
11 and I would characterize the religion as a very heirarchical
12 based religion with lines of ecclesiastical authority and
13 lines of organizational or administrative authority coming
14 down from above with various divisions and departments which
15 were answerable to higher divisions and departments, very
16 much in the same order of Roman Catholicism.

17 Q You were describing some of your observations
18 of Scientology earlier. There is a term commonly used in
19 Scientology called standard tech. In your opinion, is that
20 a religious concept?

21 A When I first did interviews, the spiritual
22 biographical type interviews with members of Scientology,
23 my attempt to understand it, I kept running across, the
24 ordinary believers kept referring to the standardness of
25 the tech or standard tech, and as I investigated more about
26 that and inquired more about that, I came to realize that
27 standard tech to a Scientologist is the functional equivalent
28 of what infallibility is to a Roman Catholic. Infallibility

1 is the Roman Catholic belief that the church and in particular
2 the magisterum of the church, the bishops in conjunction with
3 the Pope, cannot err in faith and doctrine and morals in the
4 long run.

5 It was also functionally equivalent to what,
6 particularly in fundamentalist protestant denominations is
7 called the inerrancy of scripture or the belief that what the
8 scripture contains is the word of God and will not lead you
9 astray.

10 Q And you had the opportunity to investigate the
11 role of auditing in Scientology; is that correct?

12 A Yes, I have. There are many, many grades and
13 divisions, and it is hard to retain all those grades and
14 divisions, but I have observed people undergoing auditing,
15 not in the room, but I have watched them through windows and
16 I have interviewed people about what they got out of the
17 auditing process what types of experiences they were able to
18 relate about that process and what it meant to them.

19 Q And from a religious point of view, how
20 would you characterize the role of auditing in Scientology?

21 A The closest analogy -- well there is two
22 types of analogies to the auditing process.

23 Within your traditional religions such as
24 Roman Catholicism or Greek Orthodoxy or even Anglican, you
25 have a type of spiritual practice known as spiritual counseling
26 and particularly in the Roman Catholic example. There were
27 examples as with St. Bonaventure that there were various
28 levels and stages of spiritual enlightenment, and the auditing

1 process shares many features in common with this gradated
2 level of enlightenment.

3 It also shares certain aspects and features
4 with what is traditionally known as confessional, and that
5 is that the revelation of one's spiritual state of soul,
6 including confession of sins and doubts and anxieties in what
7 is known as a sacramental confession, and the auditing
8 process had an aspect of that, too.

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1 Q And would you characterize from a religious point
2 of view auditing as a sacramental practice within
3 Scientology?

4 A I would say that auditing is the principal chief
5 sacramental practice within Scientology.

6 In traditional Catholicism the Eucharist would
7 be called central sacrament.

8 I would say that auditing for the Scientologist
9 is the equivalent of what Eucharist would be for a Catholic
10 Christian.

11 Q Now, let me turn to another topic.

12 As a preliminary, the interviews that you
13 conducted that you talked about earlier this morning when
14 you were testifying, how did those interviews come about and
15 how were they arranged?

16 A At one time I started interviewing various types
17 of new religious movements, including traditional ones,
18 charismatics. This was mostly the kind of research that
19 revolved in relationship to the kinds of courses I was
20 teaching. And I interviewed some Hare Krisnas. I interviewed
21 some charismatic Catholics. I interviewed Scientologists
22 along with other types of people.

23 The question I was interested in was why young
24 adults in general were joining new religious movements. And
25 I inquired from various Churches of Scientology whether they
26 would mind if I just came in and interviewed people.

27 I also set a condition that I would pick the
28 person and kind of at random. And I would wander around and

1 see someone and say, "Would you mind doing an interview?"

2 And I would sit down with them to do this alone,
3 what I would call spiritual biography-type interview.

4 Q Are you familiar with the doctrine and writings
5 in the course of Scientology relating to the notion of Fair
6 Game?

7 A I have heard about Fair Game mostly in terms of
8 controversy surrounding Scientology.

9 When I did my interviews with people who were
10 obviously inside the religious movement, at the time I
11 interviewed them, the question of Fair Game was not a
12 particularly important -- it did not spontaneously come up
13 in the interviews. It only came up in terms of controversy
14 surrounding the Church of Scientology.

15 Q In the course of your interviews, did you inquire
16 of the people that you interviewed as to if they had heard
17 of the term and, if so, what they thought it meant?

18 A I did. Not for all of the interviews, but later
19 on when the question of Fair Game or the terminology of Fair
20 Game became a rather controversial issue, I began to ask
21 people. And this I did a lot in terms of the informal
22 inquiries when I had a chance upon meeting a Scientologist
23 to ask him, "What does Fair Game mean to you?"

24 And generally, the response --

25 MR. FLYNN: Objection, Your Honor.

26 THE COURT: Well, only as it may relate to some opinion
27 he has. He has sampled a few people. I assume it is for
28 the purpose of some opinion that he has; otherwise, it is

1 just hearsay.

2 MR. LITT: Thank you, Your Honor.

3 Q Go on.

4 A -- and the response I got -- and I subsequently
5 have investigated or investigated the kinds of policy
6 statements given with Fair Game -- was pretty much in line
7 with what those policy statements were.

8 Q Did you form any opinion as to what the general
9 understanding of this doctrine or this notion to the extent
10 people were aware of it meant among the Scientologists you
11 interviewed?

12 A Well, functionally, I think Fair Game was
13 something quite similar to -- you must understand that the
14 notion of Fair Game evolved within the Church of
15 Scientology.

16 I think the first policy statement on it dates
17 from about 1956. And then there was a subsequent statement
18 to the effect that one would lose the protection of the
19 disciplines and codes of Scientology and the rights of
20 Scientology. That is a fairly close quote as far as I can
21 recall.

22 And later on the Fair Game was canceled. I think
23 it was in 1968. And subsequent to that the notion of Fair
24 Game -- it also included some rather stringent terminology,
25 like one could lie to a suppressive person or one could trick
26 one.

27 But when I interviewed Scientologists, their
28 understanding of Fair Game was someone who had turned against

1 **Scientology or was trying to damage Scientology and was**
2 **simply not allowed the protections and services of**
3 **Scientology.**

4 It was quite functionally equivalent to other
5 **types of religious exclusions such as, for example,**
6 **abomination of idolators in the Old Testament; excommunication**
7 **of Christians in the New Testament; Interdict which is a**
8 **particular form of Catholic penalty and in which people are**
9 **removed from all possibility of seeing the sacrament or**
10 **benefits of the Church services.**

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1 A And it was most similar to the type of
2 eclesiastical exclusion that you found among the three groups
3 such as the Mennonites and the Amish, and that is known
4 as banning or shunning where the party who was put under
5 the ban who is shunned, and this still goes on today, was
6 refused all social intercourse with members of the faith,
7 including members of one's own family. In some cases that
8 included the necessity of a spouse not having intercourse
9 with the other spouse.

10 Q Is the notion of fair game something that is,
11 as you have discussed it, something that has appeared in
12 various forms throughout the history of religion?

13 A Well I think that one can refer to the Book of
14 Leviticus in Chapter 26, if I recall correctly. I know
15 it is in 26 or 27, and the Book of Deuteronomy, Chapter 13;
16 one can look at First Corinthians, St. Paul's epistle to the
17 Corinthians; First Corinthians, 1:5, to all kinds of other
18 religious texts where people -- in the Leviticus example,
19 idolstors and those who had lost faith in the community were
20 to be excluded from the camp of the Israelites and stoned
21 to death. That ranged up to St. Paul's exclusion of a
22 religious member from all the services and benefits of
23 the community.

24 So, this kind of phenomenon is not peculiar
25 to Scientology. It seems to be a typical religious
26 phenomenon for the purpose of protecting the faith and
27 doctrine and practices of the religious group.

28 Q Now, showing you exhibit RR, is this the

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1 particular policy letter that you were referring to that
2 uses some of this language that you were talking about?

3 A Yes. Do you want me to read this?

4 Q No, that's okay.

5 A Yes, the fair game, that is pretty standard
6 type of language.

7 Q Now, in your experience is dramatic or
8 strong language frequently used for symbolic purposes or in
9 order to emphasize a point in religious texts.

10 A Religious language, particularly language
11 dealing with penalties and religious language in general
12 tends to be what an outside observer would say is either
13 metaphoric or hyperbolic or highly exaggerated, intensive,
14 loaded type language. It requires interpretation.

15 For example, in Matthew Chapter 5 following the
16 Sermon on the Mount, Jesus uses language like, "If thy
17 eye offends thee, pluck it out."

18 Now, one does not normally go down the street
19 seeing Christians plucking eyes out of their heads, and so
20 it is obvious that that type of language is within the
21 faith community understood in a much more metaphoric or
22 symbolic way than any kind of literal physical kind of
23 action. It is really intended to emphasize or motivate the
24 faith community toward having purity of intention, total
25 personal integrity, conformity of the outward actions with
26 the inward spirit.

27 So, it is to be interpreted and understood
28 in that kind of way.

1 Q Do you have any other examples of particular
2 textual reference similar to the ones you have just given
3 us? So one can point to all kinds of religious language.
4 I gave you some kind of negative examples with regard to
5 taboos and prohibitions or the handling of ex-members or
6 apostates or idolators or those who have lost the faith.

7 There is language like the type of language you
8 find in the Prophet Isiah in Chapter 8 who speaks about,
9 talking about the Kingdom of God as if it were like a lion
10 lying down with a lamb or where the whole nature of the
11 universe were entirely in peace. This is highly metaphoric,
12 symbolic type language.

13 Q Now, let me go back for a moment. From your
14 study of the subject, is it characteristic of religious
15 movements that in the early phases, they will use harsh or
16 stringent language to define certain things that evolve over
17 time?

18 A Almost all religious movements in their very
19 early phase tend to be harsh, stringent, strict and later on
20 to evolve a kind of case law to handle problematic cases,
21 and they tend to go from being stringent to more lenient.

22 A very good example of that would be the
23 development within the early Christian community in Acts
24 like if I recall correctly, it is Chapter 5, where
25 St. Peter -- Ananias and Sapphia are brought to St. Peter,
26 and they fail to give all their goods to the community.
27 They seem to have a very communal way of life.

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1 "St. Peter called down" -- they get in highly
2 metaphoric language -- "called down the fire of the
3 Holy Spirit upon them. And Ananias and Sapphia
4 wound up dead."

5 When you compare that with St. Paul's way and
6 St. Paul later on in Second Corinthians handling -- just
7 simply excluding someone from the communications, you see
8 that within Judaism too itself where it went from stoning
9 people to sitting Shiva on the faithless member of the
10 faithless member of the community.

11 Q Sitting Shiva is a procedure in Judaism which
12 applies generally to people when they die?

13 A Its primary meaning deals with someone who passes
14 into the beyond. But when -- in Orthodox Judaism when an
15 offspring or relative or spouse or any member of the community
16 loses his faith or joins another faith or joins an opposing
17 faith, the members of the family sit Shiva on this person
18 as if they were dead. And they'll so act toward that person
19 as if they were no longer alive.

20 In strict Orthodox sects that means not
21 recognizing them if they walk down the street.

22 Q Now, you mentioned that religious language tends
23 to be very image oriented; can you elaborate on that and also
24 explain what function that plays within a religious
25 movement?

26 A Well, scholars in general noticed that religion
27 tries to talk about an extraordinary type of person, namely,
28 the experience of the supernatural or divine or the ultimate

1 by using ordinary human language. But it uses ordinary human
2 language in a very kind of highly charged symbolic way. And
3 it is very difficult in religion to separate what an outsider
4 would call -- make a distinction, an outside distinction
5 called fact from fiction.

6 One can give the example of Jesus.

7 We know from some early writing in Josephus that
8 Jesus was, indeed, a historical figure.

9 We know that Jesus, from a strictly factual point
10 of view, that he seemed to have preached in Galilee at a
11 certain time, more or less around 30 A.D.

12 We also know that from a factual point of view
13 that Jesus died or was crucified under Roman auspices.

14 The faith community, obviously, was interested
15 not simply in those bare facts, but in the meaning of Jesus'
16 life.

17 So when you look at the expression of what Jesus
18 meant to the early Church, then you look at the gospels.
19 And in those gospels they seem to go beyond fact. Facts are
20 colored in particular ways and the meaning of his life and
21 all kinds of narratives.

22 Q Before we get into that, let me go back for a
23 moment.

24 This colorful language, without talking for a
25 moment on the subject of hagiography, are there other examples
26 that you can point to sort of -- the use of this sort of
27 imagery which is not really factual, but plays a certain
28 role?

1 A Well, the religious experience is an experience
2 of otherness about one's kind of life. And in the Bible you
3 have many, many examples of this type.

4 I gave the example of Isaih talking about the
5 Kingdom of God as a lion lying down with the lamb. And that
6 is not only beyond the facts, I guess a naturalist would say
7 that is against the facts or counter the facts.

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1 You find if you look at Exodus Chapter 15,
2 for example, which is a very Israelite poem generally known
3 as "The Song of Moses" dating from around 1,000 to 1200 B.C.
4 In this poem -- it is a very poetic poem, but it is a
5 description of the destruction -- it is describing the
6 Israelites' exodus out of Egypt, and in that description
7 Pharoah and his chariots get destroyed, and even though the
8 language is poetic and metaphoric in the poem, really
9 it is a description of a storm coming down, kind of an
10 ordinary storm it looks like coming and capturing the
11 Pharoah and his armies and his chariots, kind of a flashflood-
12 like scene.

13 There is another version to the same event,
14 and this seems to be common to religious phenomenon. There
15 are many versions to the same event, like there are four
16 gospels. There are two stories of the Exodus, and that is
17 in Exodus Chapter 14, and this is the Exodus of the movie
18 version, I'd like to point out, where you don't have a
19 description of the storm, but you have a description of
20 Moses walking out, dividing the waters in two walls and the
21 Israelites with the cloud, the pillar of fire and the cloud
22 before and after them walking through, and then the chariots
23 of the Pharoah following after them. The Israelites escaping
24 through, and then the water coming together and swallowing
25 up the Pharoah and the chariots, a very magical -- not
26 magical, but miraculous type of description.

27 Religious language seems to thrive on this
28 highly descriptive, beyond the ordinary type.

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1 Q And what role does this highly descriptive
2 type of language that you have been talking about play within
3 a religious movement for the believers?

4 A I think it serves the function of building
5 up the faith of the community and of intensifying that
6 faith, of sustaining that faith and of giving it cohesiveness.
7 Seems when one compares religions around the world --

8 THE COURT: Is this all based upon -- are we talking
9 about the fair game doctrine? Is that what you are getting
10 to?

11 MR. LITT: No, I was laying a foundation for a
12 discussion of hagiography.

13 THE COURT: Okay.

14 THE WITNESS: This language serves the community
15 more than it serves quote an objective description of the
16 facts. Faith is obviously based on real experiences, among
17 which are included facts, but faith cannot be reduced to
18 simply a mere series of set of facts and events, dates.
19 Occurrences tend to be colored with this very highly
20 poetic language.

21 Q Now, can you give me a general description of
22 the types of characteristics which are traditionally portrayed
23 for religious founders within religious movements?

24 A The types of characteristics -- --
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1 THE WITNESS: In general, charismatic-type leaders,
2 I would say, are generally described as having extraordinary
3 powers beyond the normal powers.

4 The mere fact that they seem to be able to
5 gather large and committed followings seems to be related
6 to these kinds of attributions of extraordinary power.

7 MR. FLYNN: Your Honor, is the witness now talking
8 about the claims of the charismatic leader, him or herself,
9 Your Honor, or what the Los Angeles Times said about it?

10 THE COURT: You can cross-examine about this.

11 MR. LITT: Thank you, Your Honor.

12 THE WITNESS: These types of leaders tend to get
13 attributed with powers of clairvoyance, of being able to
14 see into the souls of people.

15 They tend to get attributed with having a
16 vision into the ultimate meaning of life, what the meaning
17 of existence is all about. They get attributed with the
18 quality or ability to, in some cases, perform miracles
19 and healings; in some cases, like the Buddha to ascend to
20 various levels of transmigrate; assume various levels of
21 heavens and transmigrate into other animals or other beings.

22 In some cases the saints of the Catholic
23 Church have been attributed to have the ability to have
24 bilocations; that is, to appear in two geographically
25 different places at the same time.

26 In some cases these leaders tend to get
27 attributed to have seen God, whether face to face or the
28 other way.

1 In some cases they are attributed to have
2 visions of angels or other devine kinds of beings.

3 This is common throughout all religions,
4 that the founder is always given more powers than the
5 ordinary believer, more ability in extraordinary fashion.

6 Q And does the term "hagiography" relate to
7 this phenomenon that you have been describing?

8 A The term "hagiography" means simply the holy
9 writing. It is a Greek-based word. And it is a term
10 generally used to describe the stories or the lives or
11 the biographies of saints and holy men in general. And
12 all religious writings contain some elements of hagiography.

13 Q Now, you were talking a little bit ago
14 about some of the known historical facts concerning Jesus;
15 did there develop at various times biographical elaborations
16 on these facts?

17 A Well, I think that the bare historical facts
18 about Jesus is that historically, factually, we know Jesus
19 live d from the various stories even outside the New
20 Testament; that he preached; that he was some kind of
21 religious leader in Israel and that he got crucified.
22 Those are the bare facts.

23 It is obvious that the early Christian
24 community was interested in a lot more than that because
25 in the New Testament we find --

26 THE COURT: Haven't we been through this before?

27 MR. LITT: Not this part, Your Honor.

28 THE COURT: Yes, we have.

1 Let's try to get questions and short answers,
2 Mr. Litt.

3 Q BY MR. LITT: Were there descriptions of
4 Jesus' life later that was added to known facts and that
5 also contradicted each other?

6 A For example, in the Gospel of John, Jesus
7 is described as going up to Jerusalem on three different
8 occasions. And the other three gospels, Matthew, Mark, and
9 Luke, Jesus is described as going up to Jerusalem only once.
10 And here we have got facts that don't agree with one another
11 or various versions of the facts.

12 The Gospel of Mark begins with Jesus doing his
13 preaching in Galilee.

14 The Gospel of Matthew and Luke take Jesus
15 back to his infancy. Both Matthew and Luke have infancy
16 narratives.

17 The gospels expand, reaching for the infancy
18 narratives and for what the Christians call resurrection
19 kinds of stories. They are vastly amplified. And they,
20 obviously, go beyond the facts.

21 To a nonbeliever this type of elaboration
22 would be fiction, including such notions as the virgin
23 birth of Jesus; in other words, the Christian belief that
24 Jesus was conceived by the Holy Spirit, conceived of Mary
25 through the power of the Holy Spirit and not by the means
26 or ways known to most of us.

27 Those would be highly amplified colorations
28 or elaborations of the original facts of Jesus' life.

1 Q And has this phenomenon that you have
2 described referred with respect to other religious
3 movements or religious figures?

4 A One can say very similar things about the
5 recounting of the events surrounding the life of Moses;
6 for example, his bringing mana for the people of Israel;
7 his striking a stone and having water flowing out of it.

8 One can point to stories about Buddha.

9 One can point to stories about many of the
10 lives of the saints where you have this very highly
11 colorful metaphoric elaboration of events.

12 Q Now, have you been able to determine whether
13 or not this process of hagiography plays any role within
14 a religious movement for the people who are followers of
15 the religious movement?

16 A I think that hagiography serves as a type of --
17 it bolsters the faith of the community; it gives expression
18 to this faith of the community and it serves as symbols of
19 hope, motivation for the life of the community.
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1 Q Now, in the course of your investigation into
2 Scientology and the interviews that you conducted, did you
3 have discussions with people concerning their view of
4 L. Ron Hubbard?

5 A When I did my interviews with members of
6 Scientology, I always asked them how people saw L. Ron Hubbard,
7 and everyone called L. Ron Hubbard "My friend," and I would
8 put that "friend" capital F. It was more than just --
9 more than just a casual acquaintance type of thing.

10 Other people used the language as if he was
11 like the ultimate researcher. They said, they talked about
12 his research into ultimate things. There was this kind of
13 reverence toward the religious founder that I saw that would
14 lead to this kind of hagiographizing of his life.

15 Q And were you able to reach a conclusion about
16 the general conception about Mr. Hubbard's background that
17 people within Scientology had?

18 THE COURT: I don't know whether he is qualified to
19 give an answer on that. At some time there may have been
20 up to five million members. He talked to a handful, I
21 suppose, and we don't know what their motivations were or
22 what their purposes were.

23 You can express an opinion upon the people
24 that he questioned and his reaction to it, but I think that
25 is about where it ends.

26 Q BY MR. LITT: Were you able to reach a
27 generalized conclusion based upon the interviews that you
28 were able to do as to how those individuals viewed Mr. Hubbard's

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1 background?

2 A The type of information that came across in
3 those spiritual autobiographical interviews was that I would
4 ask people about well, how do you see L. Ron Hubbard and
5 what do you know about L. Ron Hubbard, and the awareness of
6 the real historical data of his past life didn't seem to be
7 that great nor that much interest to them.

8 In general, it was a vision that he had had
9 some contact with the Blackfoot Indians when he was young
10 and that he had talked to spiritual leaders in the Far East
11 at one time. That he had in some way studied nuclear
12 physics. That he had been an explorer in various parts of
13 the earth. That he had a particular deep insight into
14 reality kind of in general.

15 My opinion about what they believed is that I
16 thought this was simply typical hagiographizing of the life
17 of the founder going on.

18 Q Did the phenomenon of the existence of
19 hagiography indicate to you about whether or not Scientology
20 was a religious movement?

21 A Well as I said before, I did these interviews,
22 I didn't know exactly what Scientology was, but this phenomenon
23 of hagiographizing or hagiography was one of the indicators
24 to me that we have something going on here that is more than
25 simply some kind of therapy or mind cure type group, but really
26 something that was very typical of religions.

27 Q Based upon your study of religions, are there
28 phenomena that occur when people lose their faith from

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1 religion? Are there certain characteristics how that
2 unfolds?

3 A Well, just as within the religious community,
4 you have what I would call the phenomenon hagiographizing
5 or hagiography; when someone loses their faith, you have
6 the counter phenomena which may be described, I guess, as
7 anti-hagiography. As the former kind of amplified or colored
8 the powers, qualities, attributes of the religious founder,
9 so the anti-hagiography would tend to denigrate or put down
10 to the same but opposite degree the qualities of the
11 religious group or the founder.

12 There are many examples of this, particularly
13 among Roman Catholics. There is a very famous example of the
14 late 19th Century called "The Awful Revelation of Maria Monk"
15 about a woman who was an alleged member of the nunnery in
16 Quebec who escaped from it and it is from that that developed
17 all the details about the goings on between priests and
18 nuns that became the source of intensive anti-Catholicism
19 in the early part of this century. More recently you had
20 writings like "I left over the wall" which tended to put
21 down one's former existence in a way, as I would interpret
22 it, as to justify what one is presently doing.

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1 Q Now, in the interviews that you conducted,
2 were you able to reach any conclusions -- referring now
3 to the interviews with Scientologists -- about the factors
4 that motivated -- could you generalize on the factors that
5 motivated those people to come into Scientology?

6 A One of the questions I put to the -- my
7 original interviewees plus the 100 or so people I have
8 been able to inquire more informally later on, was that
9 they -- one of the things that came up in the autobiographies,
10 I asked them always about what types of religious movements
11 had you belonged to before you became a Scientologist.
12 There was a great variety of backgrounds from which one
13 came to Scientology or Unification or Hare Krishna or
14 any other type of religious groups. And so much so that
15 one could call that a generation of seekers. There has
16 been quite a bit written about this generation of seekers
17 today.

18 I was amazed by the number of serious
19 religious paths people have tried.

20 They had tried traditional religions; some
21 had been in UFO-type cults; some had been in transcendental
22 meditation; some had been in as much as seven different
23 religious-type paths, seeking for what they wanted until
24 they found and settled on Scientology.

25 I'm sure that among those, people will go on to
26 other things too.

27 Q Are you able to generalize about what it was
28 about Scientology that made people feel like this was the

1 path for them?

2 A I think Scientologists always talked about
3 the tech, the tech which allowed them, in this language,
4 to get out of a state of being unclear or preclear and to
5 gain what they called clear or being, quote, unquote,
6 operating thetans over matter, energy, time and space
7 and what they conceived to be ultimate reality. And that
8 seemed to satisfy them.

9 Q And based upon your general study of the
10 subject of religion and on the subject of Scientology do
11 you have an opinion as to whether or not L. Ron Hubbard is
12 a genuine religious leader?

13 A Well, obviously, L. Ron Hubbard has been able
14 to attract a considerable following. He has also -- also
15 seems to have some kind of teaching that implies perception
16 about what the ultimate meaning of life is and the place o f
17 one's role on this earth.

18 He seems to have all the characteristics
19 and qualities that have been generally attributed to what
20 other people -- what myself and other scholars call
21 charismatic religious figures or religious geniuses. To
22 the members, I am sure he is a genius.

23 MR. LITT: Thank you.

24 I have no further questions.

25 THE COURT: You may cross-examine, Mr. Flynn.

26 MR. FLYNN: Thank you, Your Honor.
27
28

CROSS-EXAMINATION

1
2 BY MR. FLYNN:

3 Q Mr. Flinn, did I understand you correctly that
4 you have reached an opinion or a conclusion that the
5 Fair Game Doctrine is just metaphorical language?

6 A I think that the way --

7 Q Can you answer that yes or no, sir?

8 A Do I understand that I said it was just
9 metaphorical language?

10 Q Right.

11 A No.

12 Q Which means it is more than metaphorical
13 language?

14 A Yes.

15 Q Now, scripture of a religious type is
16 something that people who follow or adhere to that
17 religion follow or obey; is that correct?

18 A It depends on the religion.

19 Different kinds of religions have different
20 attitudes and relationships to their scriptures.

21 Q Let's take Scientology scripture, the Fair
22 Game Doctrine; did you conclude that that was scripture?

23 A I wouldn't call this the totality of
24 Scientology of scripture.

25 Q Can you answer my question yes or no? Can
26 you conclude that that was scripture?

27 MR. LITT: If the witness wants to explain, he
28 should be entitled to explain, Your Honor.

1 THE COURT: I recall Mr. Harris using that same
2 technique when he was questioning quite a few times.

3 If one can use it, the other can use it.

4 If you can answer yes or no, answer it. If
5 you can't, you may so state.

6 THE WITNESS: Could you repeat your question, please?

7 Q BY MR. FLYNN: Is the Fair Game Doctrine
8 Scientology scripture?

9 A It is part of the scripture.

10 Q And as scripture is it a religious writing, in
11 your opinion, that is intended to be obeyed?

12 A Yes, but I would qualify that in saying you
13 would have to -- I would have to ask you what part of the
14 Fair Game.

15 There was, obviously, an evolution in Fair
16 Game Doctrine.

17 Q Let's take the word "sue."

18 A What time are you talking about?

19 Q Let's take the year 1982 to the year 1984
20 and the word "sue," s-u-e; do you know what that word
21 means?

22 A Does that mean -- are you referring to a
23 proper name, or a common noun?

24 Q Have you read the Fair Game Doctrine?

25 A Yes.

26 Q Do you have it in front of you there?

27 A This is not -- I have referred to several
28 documents dating from 1965.

1 I have read documents dating from 1965 to
2 1980, the ones where I saw Fair Game mentioned.

3 Q We can't bring all the scripture in, Mr. Flinn;
4 let's deal with the one in front of you.

5 We agree it is scripture; don't we?

6 A It is part of the scripture for Scientology.
7 It is not all of the scripture for Scientology.

8 Q Part of the scripture; as I understand, that
9 is language of a metaphorical type?

10 A Oh, I think that this is language that is
11 really to attempt to exclude a member from the religious
12 community and, hence, can be highly charged. It is that
13 kind of language that we find both Moses using in the
14 Old Testament and Jesus using in the New Testament.

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1 Q Well, is it the type of language which is
2 built up to intensify the faith of the community? I think
3 that is how you put it.

4 A There is also a question in my mind - -

5 Q Can you answer that, Mr. Flinn?

6 MR. LITT: Your Honor, could Mr. Flinn - -

7 THE COURT: No he just makes a speech every time he
8 gets a chance and doesn't answer the question. I don't have
9 any quarrel with the individual. I find this with many
10 experts that come into court.

11 Counsel has a right to ask a question if he
12 can get an answer. Let's try to confine ourselves, sir,
13 to the question and try to answer it.

14 THE WITNESS: There is an ambiguity in this as far as
15 I am concerned.

16 Q BY MR. FLYNN: Did you testify on direct
17 examination that it is the type of metaphorical language
18 that is set forth in that scripture that is designed to
19 build up and intensify the faith of the community?

20 A This kind of language is very normal and
21 very commonly used by religious groups in their early phases
22 in order to tensify the unity, integrity, the purity of
23 doctrine of the group; where all outsiders or threats to the
24 religion are perceived as inimical, diabolical, satanic,
25 threatening, and very highly charged, intensive language is
26 used about the outside in general with these types of
27 movements when they begin. It is a very common historical
28 phenomena.

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1 Q I take it the answer is yes?

2 A Yes.

3 Q Now, when it is intensifying the faith of the
4 community with regard to that scripture, is it intensifying
5 the community to sue people?

6 A I would need some clarification here. Is
7 it your understanding that this use of the language of
8 "injured or sued or tricked or lied to or destroyed"; does
9 this refer to in your understanding, does this language refer
10 to what a Scientologist is to do to an ex-member on the
11 outside or to do about a member on the inside?

12 Q Well, you are the expert, Mr. Flinn. What is
13 your understanding?

14 A I think historically that there seems to have
15 been misapplications there. There were misapplications
16 always in the history of religion of this type of language,
17 and hence this leads to a modification of the language.

18 Q What does "misapplication" mean?

19 A It would be things like defaming the character
20 of somebody on the outside.

21 Q Do you mean when you said mispplication that
22 it was intended to be metaphorical but someone actually went
23 out and did it?

24 A There is many instances throughout history --

25 Q Can you answer that yes or no?

26 A Yes, somebody may have gone out and done it.
27 Historically in various religious groups that does happen.

28 Q But in your opinion in this religious

1 group it was intended to be metaphorical; is that your
2 testimony?

3 A I think that it is intended to be within
4 the group literally in the sense of excluding the members
5 from the privileges of church benefits. It is very much
6 like the language used in interdict in Roman Catholicism.

7 Q Does it mean you can sue them in the church
8 but you can't sue them in a civil court; is that your opinion?

9 A I have not determined whether this kind of
10 text in the one example you gave me here refers to people
11 using it on the outside or the inside.

12 Q Didn't you testify that you have studied the
13 fair game doctrine as the metaphorical language of a
14 religious type?

15 A It wasn't simply only metaphorical. What I
16 am saying is one cannot separate the factual or literal from
17 the metaphorical.

18 THE COURT: Well, how do you know what Mr. Hubbard
19 meant when he wrote that, whether he meant it to be literal
20 or meant it to be metaphorical? Have you asked him?

21 THE WITNESS: Looking at the terms of the evolution
22 of the teaching in the writings of Scientology is that it is
23 obvious that the fair game doctrine was officially discontinued
24 in 1968 because it probably did lead to abuses. Now, I have
25 heard about abuses, but I have no first-hand knowledge of
26 abuses.

27 Q BY MR. FLYNN: So you didn't go out and do any
28 studying of any first-hand knowledge victims of the fair

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1 game doctrine; did you, Mr. Flinn?

2 A I have talked to some ex-members of Scientology,
3 and I have tried to interview people who have left Scientology
4 and are hostile to Scientology, and they very frequently
5 will not give interviews. In fact, all of my responses
6 have been that they will not do interviews.

7 Q Well, have you tried to meet people who
8 were alleged victims of that policy who were never
9 Scientologists?

10 A I have not interviewed people like that at
11 all.

12 Q You don't know anything about any of those
13 people?

14 A I haven't met any of those people.

15 Q So when you were doing your study to find out
16 whether it was metaphorical, you didn't try to find out
17 whether there were victims out there in the real world who
18 had been sued, for example?

19 A I knew there had been suits against people
20 for defaming Scientology.

21 Q What about operations to get them put in
22 mental institutions or jail; did you ever interview an author
23 who was indicted by a New York Grand Jury on a frameup
24 by the Guardian's office?

25 MR. LITT: Objection; assumes facts not in evidence.

26 THE COURT: I will sustain the objection
27 to the form of the question.

28 Q BY MR. PLYNN: Well, Mr. Flinn, when you were

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1 doing all of your research into Scientology scripture,
2 did you make an effort to find a person named Paulette Cooper?

3 A I knew about Paulette Cooper. No I did not
4 make an effort to find Paulette Cooper.

5 Q Now, do you know whether or not there are any
6 victims in the real world who have been lied to, sued,
7 cheated, or destroyed on the instructions of Mr. Hubbard?

8 A I have met, interviewed two people who were
9 affected with Scientology that I have been able to have
10 informal interviews with but not on the instructions of
11 Mr. Hubbard.

12 Q And these two people, what are their names?

13 A I won't give out personal names. They are two
14 people in St. Louis that I have interviewed.

15 Q One of them wasn't Ann Rosenbloom who had
16 drugs put in one of her drinks; was it?

17 MR. LITT: Objection; assumes facts not in evidence,
18 Your Honor. It is improper.

19 THE COURT: Well it is a compound question; assumes
20 a fact not in evidence.

21 Q BY MR. FLYNN: Do you know an Ann Rosenbloom who
22 used to live in St. Louis?

23 A No, I do not know an Ann Rosenbloom.

24 Q So you have interviewed two disaffected
25 Scientologists whose names you won't give out; is that
26 correct?

27 A I try not to give out personal names.

28 Q Let me ask you this: Was the fair game
29 doctrine metaphorical to them?

1 A I interviewed one of these parties who was
2 particularly -- it was a male, age 26 at the time I
3 interviewed them -- he felt that information had been
4 used against them and that he was being harassed and
5 pursued by Scientology. When I further inquired of him
6 how was he being harassed, he said he received a number
7 of phone calls trying to get him to come back and get quote,
8 unquote on lines as a Scientologist.

9 Q Did you find out whether or not his preclear
10 folder had been culled, Mr. Flinn?

11 A I asked him specifically, "Did you find any
12 misuse of your data?" And he said, "No." This person said
13 no.

14 Q He had no knowledge; is that correct?

15 A He had no knowledge.

16 Q Have you looked at any of the documents that
17 were seized by the Federal Bureau of Investigation?

18 A No I haven't seen those. I don't know. Are
19 these documents seized by the Federal -- I don't know
20 what they are.

21 Q Now, the word "sue" you have reached the
22 conclusion in the fair game doctrine that that was
23 religious scripture of a metaphorical type; is that correct?

24 A I think that the context --

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1 Q Can you answer my question yes or no, Mr. Flinn?

2 A In my state -- in the type of material where
3 I have seen Fair Game Doctrine described in their
4 ecclesiastical language, Fair Game is designed as being
5 deprived of the codes, the protection of the codes.

6 Q Can you answer my question yes or no, Mr. Flinn?

7 A Not according to this definition of Fair Game
8 because you would have to define for me exactly what you
9 mean by Fair Game.

10 Q You can't answer whether or not the word "sue"
11 standing by itself is a metaphorical term which does not
12 really mean what it says; is that correct? You can't
13 answer that yes or no?

14 A It could mean sue in the church. It could
15 mean sue in the civil courts. I don't know what it means
16 in this context.

17 Q You don't know what it means; is that your
18 testimony?

19 A This is one document taken out of context. I
20 can't answer questions about little bits of information
21 taken out of context.

22 I can discuss about the evolution of the
23 teaching of Fair Game.

24 Q Let me show you lists of 100 or so suits
25 that have been brought against people by the Church of
26 Scientolofy, a computer printout; have you ever seen that
27 before?

28 MR. LITT: Your Honor, objection. This is irrelevant.

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1 THE COURT: It is cross-examination.

2 Overruled.

3 Whether this is metaphorical or something
4 that happens in part --

5 MR. LITT: My point is a list of suits does not have
6 any rational relationship to that question one way or the
7 other without knowing the merits of the lawsuits.

8 THE COURT: It is like saying somebody engages in
9 hagiography, ergo, it is a religion. It is probably no
10 different from that type of syllogism.

11 Q BY MR. FLYNN: Have you seen any of the lists
12 of suits that the church has brought against people?

13 A This is a list of suits that the Church of
14 Scientology has brought against other people, or other
15 people against Scientology?

16 Q Have you seen any lists of suits, Mr. Flinn,
17 that the organization has brought against people?

18 A No. I have not seen lists of suits.

19 Q Have you interviewed any people who have been
20 sued by this organization?

21 A No, not yet. No, I have not.

22 Q So to those people you don't know whether
23 it is metaphorical or real?

24 A There can be a suit for civil reasons if there
25 is civil damages.

26 Q Have you ever been sued?

27 A No, I have not.

28 Q Would it be metaphorical to you if a process

1 server came up and served with a suit and you had to hire
2 a lawyer and pay him \$100,000 to defend you? Would that
3 be metaphorical to you?

4 A No, it would not.

5 Q Did you read the book "Napping" by Conway and
6 Siegleman?

7 A I have read parts of the book Napping and
8 also the article Napping that appeared in a journal.

9 Q In that book, they wrote something about the
10 metaphorical scriptures of the Church of Scientology; didn't
11 they?

12 A They didn't use the term "metaphorical"
13 throughout their article.

14 Q Do you know what happened to them?

15 A No, I don't know.

16 Q Do you know whether they got sued?

17 A No, I do not know that they got sued.

18 Q Do you know how much they paid for lawyers
19 to defend themselves?

20 MR. LITT: Objection. Assumes facts not in evidence.

21 THE COURT: He obviously wouldn't know if he didn't
22 know they were sued.

23 I'll sustain the objection.

24 Q BY MR. FLYNN: You have looked at no Washington
25 documents, is that correct, documents seized by the Federal
26 Bureau of Investigation?

27 MR. LITT: Objection. Asked and answered.

28 THE COURT: To your knowledge have you ever seen any?

1 THE WITNESS: I don't have access to the files of
2 the Federal Bureau of Investigation.

3 THE COURT: Apparently a lot of other people have
4 some of them.

5 Q BY MR. FLYNN: When you have been learning
6 about Scientology, Mr. Flinn, Scientology gave you some
7 of their scriptures?

8 A No. I inquired -- I requested the things
9 that I wanted.

10 Q What did you want?

11 A I wanted to look at all their major writings.
12 I was interested primarily in their doctrine
13 and their teaching. I have not done any thorough
14 investigation of the ongoing day-to-day affair practices
15 over a long period of time of the Church of Scientology.

16 Q You just did a generalized review of some
17 of their doctrine?

18 A My principal interest in Scientology arose
19 out of my interest of why young adults were becoming
20 adherents to, members of what looked like a new face in
21 our time.

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1 Q Did your interest also relate as you have
2 testified here in the courtroom whether or not this strong,
3 intensifying type language was actually being followed by
4 Scientology agents?

5 A No, it didn't.

6 Q Well, when you requested the types of documents,
7 did you request any Guardian's office documents?

8 A Did I request Guardian's --

9 Q -- office documents?

10 A I think I saw -- for example, when the question
11 about fair game came up, I was given those types of
12 documents. I said, "Can I get access to questions dealing
13 with fair game?" And I got a series of documents that
14 dealt with the tradition of fair game.

15 Q What did you get.

16 A A series of policy statements, HCO policy
17 statements which are pretty standardly available, as I
18 understand. They are fairly public.

19 Q Did you ask for something that was not pretty
20 standardly available such as operations and targets and
21 programs to destroy people?

22 A No, I didn't ask for that kind of information.

23 Q Would that have assisted you in determining
24 whether or not the fair game doctrine was metaphorical or
25 real?

26 A Well I didn't say that the fair game --
27 I can't make the assumption that the fair game doctrine
28 was metaphorical or real.

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1 Q Oh, you can't.

2 You didn't testify on direct examination that
3 it was metaphorical?

4 A That this type of language used about tricking
5 people, even injuring people, even bringing harm to people
6 is very characteristic of religious movements, particularly
7 sectarian movements their early phases out of which abuses
8 do arise and over time that type of language tends to get
9 mitigated and moderated because of the abuses which do occur.
10 That is a very common phenomenon with sectarian religions.

11 Q What does the word "metaphor" mean to you?

12 A Metaphor, I defined it earlier, is a way of
13 using language in a highly charged way to intensify the
14 loyalty and commitment of a religious community.

15 Q What does the word hagiography mean to you?

16 A It means writings, biographies of holy people,
17 saints, religious founders.

18 Q Did I understand you to mean when you were
19 talking about hagiography that it was an embellishment, an
20 exaggeration, data that was false, that was not actually
21 true?

22 A I didn't say it was exactly false. I said --
23 my intention was to show that in metaphoric religious type
24 of language, one cannot simply try to slice up the pie and
25 say, "This is literal." But the facts are imbedded within
26 the context of a whole expression of the religious commitment.

27 Q I see. So we don't know what hagiography
28 means false or not false. It is just kind of a hodge-podge

1 of something? Is that basically what you are telling us?

2 A I said that the facts were imbedded in terms
3 of this highly colorful language.

4 Q Do you know what "data" means to a Scientologist,
5 the word "data"?

6 A I have heard Scientologists use the term
7 "data."

8 Q What does it mean to a Scientologist? In
9 Scientology scripture, what is data?

10 A I would not be able to give you a definition
11 of what data means exactly.

12 Q Have you ever heard the phrase, "Truth is the
13 exact place, time, form and event"?

14 A I have not heard that phrase exactly the way
15 you said it.

16 Q Well, have you heard of any phrase like that
17 in Scientology scripture?

18 A No I haven't.

19 Q Now, let me just ask you if you have seen among
20 the GO documents you requested, have you seen anything like
21 that?

22 MR. LITT: Objection, Your Honor. He's already
23 stated he didn't request any.

24 THE COURT: I will sustain the objection. I don't
25 recall specifically that he asked for GO documents or
26 there is any evidence of that. You can ask him whether that
27 is something that he was shown.

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1 Q BY MR. FLYNN: Let me ask you, sir, whether
2 or not you got a document that said, ". . . to restrain,
3 remove Mr. Jones' employee in local government agency
4 attacking the organization"; did you see any document
5 like that?

6 MR. LITT: Your Honor, this document has not been
7 introduced before. It is improper. He should simply
8 ask of the witness whether he is familiar with the
9 document. And also, it has not been authenticated in
10 some other form.

11 THE COURT: He can ask the witness whether he has
12 seen it or observed it. If he has, he can say so. If
13 he hasn't, that is that.

14 Q BY MR. FLYNN: Have you seen that language
15 in a document?

16 A I have not seen -- I haven't heard about this
17 document. I don't recognize what you are putting before
18 me.

19 Q Have you seen a document that says something
20 like, "Call up Jones' boss and accuse Jones of being
21 a homosexual"?

22 A No. I haven't seen that.

23 Q Or "Send Jones' boss evidence of Jones
24 accepting bribes on his job with copies to the police"?

25 MR. LITT: This is improper, Your Honor. I object.

26 THE COURT: I'll overrule the objection.

27 Q BY MR. FLYNN: You haven't seen anything like
28 that?

34. 2
1 A No.

2 Q Did you know there were about 80,000 of these
3 that were seized from the church that you are testifying
4 about?

5 MR. LITT: I object. That assumes facts not in
6 evidence.

7 THE COURT: I'll sustain the objection.

8 We'll take a 15-minute recess.

9 (Recess.)

10 THE COURT: All right. In the case on trial,
11 let the record reflect that counsel are present; the
12 witness has retaken the stand.

13 Please, state your name again for the record,
14 sir. You are still under oath.

15 THE WITNESS: My name is Frank K. Flinn.

16 THE COURT: You may continue, Mr. Flynn.

17 Q BY MR. FLYNN: Mr. Flinn, who retained you
18 to testify in this case?

19 A Mr. Litt did.

20 Q And you are being paid for your testimony;
21 is that correct?

22 A Yes. I am.

23 Q How often have you been retained by the
24 Church of Scientology?

25 A Twice.

26 Q To testify?

27 A Yes.

28 Q How often have you been consulted?

1 A By whom?

2 Q By the Church of Scientology.

3 A I have talked with many Scientologists on
4 various issues, but consulted for what?

5 Q For any purpose.

6 A Well, I tried to interview a lot of
7 Scientologists whenever I can.

8 Q How often have you been paid in connection
9 with any type of consultation?

10 A I have been paid -- I would say I haven't
11 added up the number of times, about four or five.

12 Q Are you on an on-going retainer?

13 A No, I am not.

14 Q What were those four or five times in
15 connection with?

16 A Depositions, the testimony, and for those
17 two kinds of reasons.

18 Q Well, have you ever been retained to testify,
19 for example -- strike that.

20 Have you been consulted in connection with
21 potential testimony on occasions other than the four or
22 five that you mentioned?

23 A About potential testimony?

24 Q Where you didn't actually testify, but you
25 were consulted about the possibility of testifying.

26 A I don't recall that occurring.

27 I have been asked whether I would testify in
28 certain instances, in which cases I did.

35/1

1 Q What about in connection with any type of
2 legislative proceedings?

3 A I have appeared before legislators, but not
4 at the instigation of the Church of Scientology.

5 Q On behalf of the Moon Organization?

6 A No, I have not done it on behalf of the Moon
7 Organization either.

8 Q The Hare Krishnas?

9 A No.

10 Q Now these four or five times, what is
11 the total amount you have been paid?

12 A I have not added it up, but it is not -- the
13 total is not over \$10,000 to the best of my recollection.

14 Q Close to \$10,000?

15 A Somewhere around there.

16 Q As a religious expert?

17 A Yes.

18 Q Now did you testify in the Christofferson
19 case?

20 A No, I did not.

21 Q What cases have you testified in?

22 A So far I have testified in the case, the IRS
23 case against the Church of Scientology.

24 Q Now, is the Church of Scientology paying you
25 in connection with your testimony here today or is Mary
26 Sue Hubbard?

27 A All checks I have received from the Church
28 of Scientology, and in some instances they have come from the

1 legal firm.

2 Q Now, are you familiar with any Scientology
3 scripture relating to the interpretation of policy?

4 MR. LITT: Objection; vague.

5 THE COURT: Sustained.

6 Q BY MR. FLYNN: Have you read in connection
7 with his study of Scientology scripture a policy that
8 states that there is no interpretation of policy. It is to
9 be literally followed?

10 A I have not read the statement that policy,
11 to quote your phrase, "Have I read something saying that
12 policy is to be literally followed?" No, I have not read
13 that phrase.

14 Q Have you read something similar thereto?

15 A Scientologists refer to applying tech standardly
16 or using the standard, referring to the tech.

17 THE COURT: T-e-c-h?

18 THE WITNESS: Applying the tech, t-e-c-h.

19 Q BY MR. FLYNN: Have you read a policy that
20 says that all policies cannot be interpreted but must be
21 adhered to in the language that in them?

22 MR. LITT: Objection. Your Honor, if there is a
23 document that Mr. Flynn is referring to, perhaps it could
24 be placed in front of the witness and he could be asked
25 whether he's read it.

26 MR. FLYNN: We know such a policy exists. We
27 are trying to find it. We are not sure we have it here in
28 the courtroom, but we are looking for it.

1 Q Have you read a policy similar to that, Mr. Flynn?

2 A In my interview and in my reading, all
3 Scientologists refer to applying, using the standard tech,
4 and that is always referring back to the original writings.

5 THE COURT: Well that really wasn't what he said,
6 getting away from the use of the language of the tech.

7 You want to read that question back?

8 (Record read.)

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36 1 MR. FLYNN: Maybe I can rephrase it and save time.

2 THE REPORTER: I have it.

3 (The question was read.)

4
5 THE WITNESS: Yes. I have read statements to that
6 effect.

7 Q BY MR. FLYNN: Now, you testified that you were
8 familiar with the cancellation of Fair Game Doctrine?

9 A I have read a policy letter that referred to the
10 cancellation of the Fair Game Doctrine.

11 Q What did that say?

12 A It simply canceled Fair Game.

13 Q Did it say that this does not cancel any policy
14 letter or PL with regard to the treatment of a SP?

15 A Yes. That language was included.

16 Q Did you interpret that?

17 A Did I interpret that?

18 Q Right.

19 A I saw that as part of the evolution of the Fair
20 Game Doctrine.

21 Q Evolution? Is that your word?

22 A I saw that -- yes. I saw that in the context
23 of the evolution of the Fair Game teaching which had undergone
24 modification and cancellation; in this case, modification.

25 Q Do you know what "word clearing" is in
26 Scientology?

27 A Yes.

28 Q What is it?

36-2

1 A It means trying to check the standard dictionary
2 definition of what words mean.

3 Q So that you can arrive at the exact definition
4 of words; is that correct?

5 A Yes.

6 Q Now, when you were talking about an autobiography,
7 did I understand your testimony as being embellishments that
8 increase over a period of time about someone who is a founder
9 of a religion?

10 A There are embellishments that occur in the very
11 beginning.

12 Religious leaders are always perceived by
13 different groups within the religious movement from different
14 perspectives.

15 The four gospels in the New Testament represent
16 four different reactions to Jesus, to the experience of Jesus
17 by different groups within Christianity.

18 Q Can you tell me, does hagiography have
19 characteristics toward increasing or decreasing the truth
20 about a founder?

21 A In terms of what is the experience as faith by
22 the community of believers, yes; they would say that; an
23 outsider might say this is amplification, coloration, of
24 fact.

25 Q That it increases; is that your answer?

26 A In terms of the faith of the believer.

27 MR. LITT: Objection. What is the "it"?

28 Q BY MR. FLYNN: Let's see if we can get a

1 definition of hagiography. I'm still unclear.

2 Is hagiography something that is false?

3 A To the believer, no, not at all.

4 Q Do you distinguish between something that can
5 be scientifically validated and something that is a matter
6 of faith or belief?

7 A If you mean by scientific validation, the
8 application of empirical analytical analysis through
9 experiments, yes. I believe you can make those kinds of
10 distinctions.

11 Q So with regard to empirical analytical analysis
12 of a particular fact, you can arrive at a conclusion of
13 whether a fact is a fact; is that true?

14 A In terms of historical analysis, all historians
15 recognize it is pretty hard to get to the original cores of
16 fact.

17 Q Can you answer my question yes or no?
18 Can we find out whether or not the courtroom is
19 brown?

20 A By common sense, yes, the courtroom is brown.

21 Q Now, let's suppose -- you have various degrees;
22 do you not?

23 A Yes.

24 Q And you have studied a great deal?

25 A Hopefully, yes.

26 Q And you are appearing here as an expert; is that
27 correct?

28 A Hopefully, yes.

1 Q And your expertise is predicated upon your study
2 and your experience over the last number of years; is that
3 basically true?

4 A Yes.

5 Q And you are in effect holding yourself out as
6 an expert because of your accumulated study and experiences;
7 is that correct?

8 A Yes.

9 Q And you went through a list of your qualifications
10 in which you listed at length your academic credentials; is
11 that correct?

12 A Yes.

13 Q And your academic credentials are a very important
14 part of your ability to hold yourself out as an expert; is
15 that correct?

16 A Yes, it is.

17 Q And I am sure you pride yourself in having
18 graduated, for example, magna cum laude; is that correct?

19 A Yes.

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1 Q And you were first in your class?

2 A Yes I was.

3 Q And you have used your educational experience
4 and background as a basis to, for example, be made an expert
5 in this courtroom; is that basically correct?

6 A Yes.

7 Q And you have used that academic experience
8 and background as the basis, for example, to command almost
9 \$10,000 in expert fees in the Church of Scientology?

10 A Yes, I guess so.

11 Q Now, how do we know whether or not you were
12 lying to us about having graduated from Harvard?

13 MR. LITT: Objection; calls for speculation.

14 THE COURT: Well I suppose it does call for speculation.

15 Q BY MR. FLYNN: Well, Mr. Flinn, did you
16 bring your degree with you?

17 A No, I don't have my diploma with me.

18 THE COURT: Where is your place of business?

19 THE WITNESS: I reside in St. Louis.

20 Q BY MR. FLYNN: Now, for all we know, you could
21 have just got off the train from being a surfer for the last
22 20 years; correct?

23 MR. LITT: Objection.

24 THE COURT: Well, it is metaphorical.

25 Q BY MR. FLYNN: Isn't that basically true?
26 Have you ever met Judge Breckenridge?

27 A No, I have not before.

28 Q And you have never met me; right?

37/2

- 1 A No, I haven't met you before.
- 2 Q And you have told us about your qualifications;
3 correct?
- 4 A Yes.
- 5 Q Have you told Mr. Litt about your qualifications?
- 6 A Yes.
- 7 Q Did you show him your degrees?
- 8 A I sent him my curriculum vitae.
- 9 Q But did you send him a certified copy of one
10 of your degrees?
- 11 A No, I did not.
- 12 Q So, Mr. Litt relied on what you told him in
13 your curriculum vitae?
- 14 A Yes.
- 15 Q And we have relied on what you have told us
16 about your qualifications without even seeing your curriculum
17 vitae; correct?
- 18 A I don't know whether you have seen my
19 curriculum vitae.
- 20 Q Have you used any hagiography in connection
21 with giving us your credentials?
- 22 A No, I have not. To the best of my knowledge,
23 I have not. I got my degrees when I got my degrees, and
24 they are the kind of degrees I got.
- 25 Q So that type of a thing is something that we
26 can precisely determine as to whether you did it or you
27 didn't do it?
- 28 A Yes, it could be determined that I was at

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1 Harvard University at one time and I was at the University
2 of St. Michael's College in Toronto at one time. That can
3 be determined.

4 Q And you are expecting us to rely on these
5 academic credentials in connection with your expertise
6 as an expert witness; correct?

7 A Yes.

8 Q In this subject of hagiography about
9 religious leaders, do academic credentials in your experience
10 play any role?

11 A In general in the past whether a religious
12 leader had academic credentials?

13 Q Right.

14 A Not in general in the past, although certain
15 religious leaders in our times tried to seek things like
16 Doctors of Divinity in rather unknown schools.

17 Q Well, a Doctor of Divinity is a very prestigious
18 title; is it not?

19 A Not necessarily.

20 Q Well, it does connote a certain degree of
21 educational achievement in theological study?

22 A In theological studies. In academic circles
23 a Ph.D. holds greater weight than a Doctor of Divinity.

24 THE COURT: Are some of these -- I am not
25 suggesting yours -- are some honorary degrees? There
26 is such a thing as honorary degree of Doctor of Divinity?

27 THE WITNESS: There are honorary degrees of all kinds.

28 Q BY MR. FLYNN: Well, with regard to, for example,

1 in your business, earning income, getting money, your
2 academic credentials play a very significant role; don't
3 they, Mr. Flinn?

4 A Yes.

5 Q Now, have you studied the life of L. Ron Hubbard?

6 A I have studied -- I have seen various data
7 in folders about the life of Ron Hubbard -- L. Ron Hubbard.
8 I have not gone intensively and tried to verify everything,
9 all the facts about his life at all.

10 Q What does the word "science" mean to you?

11 A The word science to me means the application
12 of empirical analytical analysis under conditions of
13 experiment.

14 Q Something that can be observed, seen, touched,
15 tasted?

16 A Observed, tested, retested, validated, verified,
17 checked.

18 Q Now, do you know --

19 A But it is -- one has to be careful here
20 because this is a modern definition of science which arose
21 after the time of Francis Bacon.

22 THE COURT: We are not going back before Bacon's
23 time.

24 Q BY MR. FLYNN: Let's deal with right here
25 now and common sense definitions.

26 A The word science, one must be very careful
27 about the application of the word science because natural
28 sciences do not see theology as a science. Theologians

1 will call theology as a form of science known as a divine
2 science or religious science, and natural scientists may
3 object to the use of the word science.

4 It really depends on what context you are
5 using the word in.

6 Q Obviously a man of your education and credentials
7 knows a lot more about the broad parameters of science than
8 an 18 or 19-year-old person walking down the street?

9 A I would assume so.

10 Q Who could be proselytized into a particular
11 science; isn't that correct?

12 A I would assume so.

13 Q Now, is faith and belief necessary to have
14 religion?

15 A It is a necessary part of religion, yes.

16 Q And without faith or belief, can you have
17 religion?

18 A No, I don't think so.

19 Q Are you aware that for the last 20 years
20 Scientology has been uniformly sold on the street on the
21 premise that it has nothing to do with faith or belief?

38-1

1 A I am not aware of that, about Scientology being
2 sold that way.

3 MR. LITT: I move to strike. That assumes a fact not
4 in evidence. There has been no testimony concerning that
5 fact.

6 MR. FLYNN: I believe Mr. Armstrong testified to that.

7 MR. LITT: I don't think that is right, Your Honor.

8 THE COURT: I'll let the answer stand. He is not aware
9 of it.

10 Q BY MR. FLYNN: Now, when you were doing your
11 research and interviewing these people --

12 A Yes.

13 Q -- did any of these people tell you anything about
14 the fact that when they were introduced to Scientology they
15 were told that it was only used a religion as a cover for
16 tax purposes?

17 A No. That didn't -- that didn't come up in the
18 interview.

19 My interviews, when I asked people how did they
20 get involved in Scientology --

21 Q The answer is no, Mr. Flynn; no one told you that,
22 is that correct?

23 A No one told me that this was being used as a
24 cover, no.

25 Q Did they tell you it was used for tax purposes?

26 A No, they did not.

27 Q Have you heard of a policy called "The Minister's
28 Mock-up"; was that one shown to you?

38-2

1 A I haven't seen that particular policy letter.

2 Q How about the "Religious Image Check Sheet"; have
3 you seen that one?

4 A No, I haven't seen that one.

5 Q Do you know of any Scientologists who have been
6 on the Minister's mock-up and the religious image check
7 sheet?

8 MR. LITT: Objection; assumes facts not in evidence.

9 THE COURT: Well, if he didn't know of the document,
10 I don't know how he could know. It is argumentative in that
11 sense.

12 The objection is sustained.

13 Q BY MR. FLYNN: Just assume for the purposes of
14 this question that Scientology has been sold on the street
15 to at least one person on the premise that it had nothing
16 to do with faith or belief, but was a composite of scientific
17 axioms; would you then conclude to that person that it was
18 not a religion if he believed that he was told --

19 MR. LITT: Objection. Calls for speculation. If he
20 is to interpret the mind of that person --

21 THE COURT: Overruled.

22 THE WITNESS: Would I assume that that person that --
23 should I assume that this is not a faith to them?

24 Q BY MR. FLYNN: The facts are this simple; the
25 person is told that Scientology has nothing to do with faith
26 or belief; it is a science. And it is not a religion. And
27 he believes that and he relies on it; to that person isn't
28 it true to say that Scientology is not a religion?

1 MR. LITT: I'll still object. It calls for a
2 conclusion.

3 THE COURT: The witness is an expert. He has given
4 opinions about what constitutes a religion and what doesn't.

5 If he can answer, he should answer; if he can't,
6 he can so state.

7 THE WITNESS: I don't know. A person in that kind --
8 I don't know if I can answer a yes or no to that question.

9 If I could assume that this person did know a
10 distinction between faith and knowledge, then I could begin
11 to assume that -- then I could begin to answer that question.
12 But I can't begin to answer the question.

13 You have to hypothesize that this person does
14 know some kind of distinction between faith and knowledge.

15 Q BY MR. FLYNN: Let's assume a little further;
16 let's assume that he knows that science is something that
17 he can concretely see; common sense; he doesn't have to
18 believe anything abstract. He does not have to have faith
19 in a religious sense. A regular 18 or 19 year old person
20 in our society and he thinks he is joining a science, not
21 a religion.

22 My question is very simple: To that person isn't
23 it fair to say that he would not think he was joining a
24 religion?

25 A That person may be deceived about the distinction
26 between faith and science or faith and knowledge.

27 Q Who would be deceiving him?

28 A He himself would not know the distinction; so

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1 he wouldn't be able to make that judgment.

2 Q And you wouldn't be able to assume that he could
3 make the judgment?

4 A That person for that one individual, that may
5 be science -- I, as a scholar looking from the outside,
6 that I regard certain people who have faith in science, there
7 are scientifically colored religions of which Scientology
8 is not alone. You have got Christian Science --

9 THE COURT: We'll never get you out of here this
10 afternoon if you go on. Just try to answer the question and
11 maybe we'll get through.

12 THE WITNESS: To the Christian Scientist, the word
13 science is a question of faith and not of, quote, empirical
14 analytical analysis with experimental --

15 Q BY MR. FLYNN: We're not trying to get your
16 five years of study on faith and science. What we are trying
17 to get from you is an assumption about an 18 or 19 year old
18 person who sees the simple distinction between religion and
19 science of the type you asked me about where I asked you to
20 make that assumption.

21 A It just isn't fair to say to that person that
22 that is not a religion. It may not begin to be perceived
23 as a religion by that person.

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1 Q Have you read "Scientology 8-8008"?

2 A Yes, I have.

3 Q "Scientology is the science of knowing how to
4 know"; do you recall that?

5 A Yes, I do.

6 Q "Scientology is the science of knowing science";
7 do you recall that?

8 A Yes.

9 Q "It seeks to embrace the science in humanity
10 as a clarification of knowledge itself"; do you recall that?

11 A Yes.

12 Q "One studies to know a science"; do you recall
13 that?

14 A Yes.

15 Q Now this book is kind of the Bible of many
16 Scientologists; isn't it?

17 A Well, no. That is not necessarily the Bible
18 to many Scientologists.

19 Q Now --

20 A The whole tech, included tech is what
21 Scientologists consider their scripture.

22 Q How many Ph.D's have you encountered in the
23 Church of Scientology?

24 A I have encountered four or five.

25 Q And how many people have you encountered who
26 only have a high school education, for example?

27 A Not very many of those.

28 Q How many have you encountered who dropped out

1 of college in their first year?

2 A I encountered quite a few people who had
3 up to the junior level in college; some who did drop out.

4 Q Do you know between the years 1970 and 1980
5 what the average of a Commodore's staff messenger Org
6 member was?

7 A Do I know?

8 Q Right.

9 A No, I do not know.

10 Q The people who were working immediately around
11 L. Ron Hubbard during that period, you do not know?

12 A No, I don't know the average age.

13 Q Who is the present pope, as you put it, of the
14 Church of Scientology?

15 A There has been a recent reorganization of
16 the church, and I have seen some information on it, but I
17 don't know who is functioning in an executive position. I
18 know this that L. Ron Hubbard, so long as he lives, will
19 retain the role of founder.

20 Q So you don't know who the current pope is?

21 A I don't know.

22 MR. LITT: Objection; there is no post of "pope"
23 within Scientology.

24 THE COURT: Well, again it is metaphorical, but he's
25 testified there is a heirarchical position.

26 Who is the number one, top dog?

27 MR. LITT: Are we talking ecliastically?

28 THE COURT: Who runs the church?

1 MR. LITT: Well, that question is vague and ambiguous.

2 THE COURT: All right. If it is still ambiguous
3 that you don't understand it, Mr. Litt, then I certainly
4 don't know what it is.

5 MR. LITT: I understand it, Your Honor, but I meant
6 that there must be a distinction made between corporate and
7 ecclesiastical. If the question is who is the highest
8 ecclesiastical authority, perhaps Mr. Flinn could answer
9 that.

10 Q BY MR. FLYNN: Mr. Flinn, do you recall your
11 testimony about the heirarchical structure of the
12 Church of Scientology?

13 A Yes.

14 Q And you studied the heirarchical structure?

15 A Yes, quite thoroughly.

16 Q And you have given the court opinions about
17 the heirarchical structure; correct?

18 A Yes.

19 Q And you have concluded it is heirarchical
20 just like the Catholic church?

21 A It is very similar to the Catholic church.

22 Q Well isn't that quote the paradigm example?

23 A Yes, it is, the paradigm example of heir-
24 archical religions.

25 Q Of which Scientology is very similar?

26 A It is in many ways very similar but not in
27 all ways.

28 Q Now, under canon law if the Pope resigns of

1 the Catholic church, can he take all the church funds and
2 put them into his personal bank account, if you know?

3 A No he cannot.

4 Q Now, are you familiar with the Society of
5 Jesus?

6 A Yes, I am.

7 Q Jesuits?

8 A The Society of Jesus and Jesuits are the same
9 thing, yes.

10 Q A structure directly similar in its own
11 structure to the Catholic church?

12 A It is part of the Catholic church, correct.
13 It is part of the Catholic church, but it is a society,
14 a religious society, and it is not totally identical with
15 the heirarchical structure.

16 Q It is a heirarchical structure?

17 A There are lines of authority, but you have no
18 bishops within the order, the Society of Jesus.

19 Q Well, you have a leader, however, who is
20 viewed almost like the Pope is viewed within the Society;
21 isn't that basically fair to say?

22 A Within the Society he is metaphorically
23 referred to as the Black Pope.

24 Q Have you ever studied the Navy?

25 A The U.S. Navy?

26 Q The U.S. Navy.

27 A No, I haven't thoroughly studied the U.S.
28 Navy.

1 Q Do you know whether that is hierarchial?

2 A Most military, secular military things to
3 my common -- to my common observations tend to be very
4 hierarchial.

5 Q Just like the Catholic church and the Church
6 of Scientology?

7 A Yes, kind of.

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1 Q And how about the Communist Party; have you
2 studied them at all?

3 A The Communist Party tends to be -- I would not
4 use the word "hierarchical" in regard to them. I would use
5 the word "authoritarian."

6 Q Well, is the Pope authoritarian?

7 A The Pope exercises authority.

8 To exercise authority is not the same thing as
9 being authoritarian.

10 THE COURT: Under your definition of religion is
11 Communism a religion?

12 THE WITNESS: No.

13 THE COURT: How would you distinguish?

14 THE WITNESS: Communism does not believe in any
15 ultimate reality beyond this material existence.

16 Q BY MR. FLYNN: The exact place, time, form, and
17 event?

18 A Is that a question?

19 Q Now, Mr. -- do you know what the Schutzstaffel
20 is?

21 THE COURT: What was that?

22 Q BY MR. FLYNN: Schutzstaffel,
23 S-c-h-u-t-s-t-a-f-f-e-l, Schutzstaffel.

24 A I am unfamiliar with that.

25 Q Have you ever heard of the SS?

26 A I have heard of the SS, yes.

27 Q Have you ever studied the SS?

28 A No, I have not studied the SS.

40-2

1 Q When you studied the origins of Scientology did
2 you read a book "The Nazis and the Occult"?

3 A No. I haven't read that book.

4 Q Do you know where Scientology has its origins?

5 A I think the origins of Scientology are contained
6 generally in what Scientologists call their scriptures.

7 Q Do you know where Mr. Hubbard got his scriptures?

8 A He claims to have gotten them from his own
9 research.

10 Q He claims that. Is that hard data that you rely
11 on?

12 A I observe that this is the claim by him. And
13 it is the claim of the members of Scientology.

14 Q Have you done any research, for example, into
15 a paper written called "Scientologie," spelled with a g-i-e
16 on the end of it in Germany in 1936 or so?

17 MR. LITT: Objection; assumes a fact not in evidence.

18 THE COURT: Overruled.

19 THE WITNESS: I have not seen this document in
20 Germany.

21 Q BY MR. FLYNN: Are you familiar with a Germanic
22 cult from the turn of the century called "The Germanen
23 Orden"?

24 A I have read about them, but I have done no in
25 depth study of that kind of cult.

26 Q Do you know whether Rudolph Hess was the head
27 of the Germanen Orden between 1922 and 1926?

28 MR. LITT: This seems rather far afield, Your Honor.

1 THE COURT: Any time you put an expert on the stand,
2 there is almost no limit.

3 Overruled.

4 Q BY MR. FLYNN: Do you know that Rudolph Hess was
5 in prison with Adolf Hitler?

6 MR. LITT: Objection. Assumes facts not in evidence.

7 MR. FLYNN: I'm trying to get a little of his background,
8 Your Honor.

9 THE COURT: I'll overrule the objection.

10 Q BY MR. FLYNN: Do you know that, Mr. Flinn?

11 A No, I do not. This -- you are talking about --
12 I am an expert in religious studies, not in Nazi regimes.

13 Q That is where we are going to get to very
14 quickly.

15 So you don't know that the basis of "Mein Kampf,"
16 the book written by Adolf Hitler came from Germanen Orden
17 origins?

18 A No.

19 Q You must have studied "The Black Knights of the
20 Middle Ages"?

21 A I have read things about the so-called Black
22 Knights of the Middle Ages.

23 There is much legend with regard to the Black
24 Knights.

25 Q Then there came in 1902 the Germanen Orden?

26 A I don't know that that is a fact.

27 Q Then the Germanen Orden became the SS?

28 MR. LITT: Objection, Your Honor.

1 THE COURT: I'll sustain the objection.

2 Q BY MR. FLYNN: Have you studied the Society of
3 Jesus?

4 A I have a fair familiarity with the Society of
5 Jesus.

6 Q Are you aware of the fact that the SS was built
7 on the same structure as the Society of Jesus?

8 A I have heard that. I have heard this by
9 hearsay.

10 Q You have done no studying about the fact,
11 that --

12 A I have not pursued that kind of study.

13 Q -- that Hitler built the Nazi Party based on
14 the Catholic Church, structurally?

15 MR. LITT: Your Honor --

16 Q BY MR. FLYNN: -- structurally you haven't
17 heard anything about the hierarchical structure of the
18 Catholic Church vis-a-vis the Nazi Party?

19 MR. LITT: Your Honor, this is a little much.

20 THE COURT: I don't know. I am not assuming anything
21 Mr. Flynn says is a fact.

22 He is permitted to ask a question. If it is
23 denied or if he doesn't know anything about it, that is the
24 end of it.

25 THE WITNESS: I don't know anything about these kinds
26 of comparisons.

27 Q BY MR. FLYNN: But you had heard about the SS
28 being built on the same structure as the Society of Jesus;

1 you had heard that, Mr. Flinn?

2 A Well, I have heard member of the Jesuit Order
3 who have talked about this farfetched theory.

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1 Q Far-fetched?

2 A to the Jesuits it is perceived as a way of
3 denigrating the Jesuit Order.

4 Q Have you studied anything about the parallel
5 structures of the two, the SS and the Jesuits?

6 A No I have not.

7 I said that earlier.

8 Q Have you ever heard of this book?

9 A I have seen that book advertised. I have not
10 read it.

11 Q Have you ever heard of an operation connected
12 by the Guardian's office called Operation Hydra?

13 MR. LITT: Objection; assumes facts not in evidence.

14 THE COURT: Well, overruled.

15 THE WITNESS: No, I have not.

16 Q BY MR. FLYNN: When you were doing your
17 research about the structure of the Church of Scientology
18 and the fair game doctrine, did you make any effort to find
19 out whether or not Scientologists had gone throughout the
20 world and stolen copies of the book "Gods and Beasts"?

21 MR. LITT: Objection; assumes facts not in
22 evidence.

23 THE COURT: Well I will sustain the objection to the
24 form of the question.

25 Q BY MR. FLYNN: Well, do you know anything
26 about operations of the Church of Scientology to steal en
27 theta material?

28 A No I do not.

1 Q Do you know what "en theta" means?

2 A En theta means-- my perception is that
3 means material that is unfavorable to Scientology.

4 Q Now, the word "cheat" that is in the fair game
5 doctrine, can that mean steal in a common sense way?

6 A In the fair game -- are you referring to this
7 piece of paper you put in front of me?

8 Q Right.

9 Q I don't see the statement. In my mind, and
10 I tried to say this earlier, that this statement simply
11 says that if things are done against people who are still
12 members of the church that nothing will be done against him
13 in terms of Scientology. It means the person is not protected
14 by the rules of Scientology nor will this be processed within
15 Scientology.

16 That can be taken to mean that this will be
17 turned over to the civil courts to handle, that kind of
18 activity.

19 Q I understand your view of it, but when it
20 says, "may be deprived of property," does that mean if
21 Dusty Sklar, for example, the author of this book is
22 an enemy of the church, she could be deprived of property?

23 A This could be -- you would have to tell me
24 whether your understanding of this statement refers to
25 Scientology -- their property within the Church of
26 Scientology or not.

27 Q Assume that Dusky Sklar is not a Scientologist
28 and her property she was deprived of by having it stolen

1 all over the United States.

2 A No, I don't assume it would be applied in
3 this way at all.

4 Q Let's just assume that that did take place;
5 do you think the civil courts should have sanctions against
6 the people who followed that policy in doing it?

7 MR. LITT: Objection; calls for speculation.

8 THE COURT: Well I think it is outside the scope. It
9 is a legal matter. Whether he thinks or doesn't think is
10 immaterial.

11 Q BY MR. FLYNN: Well, let me ask you this,
12 Mr. Flynn: As a religious expert, if someone literally
13 adhered to that metaphorical language in the fair game
14 doctrine and stole someone else's property, pursuant to
15 that policy, as a religious expert, do you thin
16 the civil courts should have a sanction against that person?

17 MR. LITT: Same objection, Your Honor. It is the same
18 question.

19 THE COURT: Well, I will overrule the objection.

20 THE WITNESS: If someone commits a civil crime, in
21 my mind one is always subject to being prosecuted for a
22 civil crime, period.

23 Q BY MR. FLYNN: Incidentally, who copyrighted
24 that policy?

25 MR. LITT: Objection. The document speaks for
26 itself. The question has already been asked in the course
27 of this proceeding about 10 or 15 times.

28 THE COURT: Yes, I think so. That is exhibit RR;

1 MR. LITT: Yes, Your Honor.

2 Q BY MR. FLYNN: Now, did you testify that you
3 arrived at the opinion that the life and background of
4 the founder, L. Ron Hubbard, to adherents to Scientology
5 was really not all that important?

6 A To my interviewees certain aspects of his life
7 were important and other aspects were not important.

8 Q Well, what about his image; do you think his
9 image is important?

10 A I think it is very important to the members of
11 the church.

12 Q Do you think his image is in part predicated,
13 for example, his academic credentials, if he made them a
14 factor?

15 A No, that did not show up in my interviews.

16 Q The question is a hypothetical question. If
17 L. Ron Hubbard made his academic credentials an issue and
18 people relied upon them, do you think that relates to
19 L. Ron Hubbard's image?

20 MR. LITT: Objection; calls for speculation, Your
21 Honor.

22 THE COURT: Well, it is a question of definition and
23 he has given a lot of testimony concerning definition.
24 Overruled.

25 THE WITNESS: That might a factor, but not the total
26 factor.

27 Q BY MR. FLYNN: Now, when you were studying the
28 background of L. Ron Hubbard, did you find that his research

1 was important, L. Ron Hubbard's research?

2 A To L. Ron Hubbard the word "research" and
3 his own research is very important, yes.

4 Q Now, when you were studying the issue of
5 hagiography, did the issue arise as to whether the
6 hagiographical material came from the person himself?

7 A Did all of this hagiographical material
8 come -- did I determine that?

9 Q Was that an important factor in your studies?

10 A I determined various sources of hagiographical
11 material.

12 Q Well, to your knowledge did Jesus of Nazareth
13 copyright his publication?

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1 MR. LITT: Objection, Your Honor.

2 THE COURT: It is a little bit too metaphorical,
3 counsel. I don't think the Romans had a trademark.

4 Q BY MR. FLYNN: Do you know whether L. Ron Hubbard
5 has copyrighted structurally everything that he has written
6 that has been published?

7 A Yes. I am aware of that.

8 Q Including his biographical sketches?

9 A Yes. I am aware of that. The ones that I have
10 seen that are by L. Ron Hubbard, yes.

11 Q You are basically talked about Hagiography in
12 terms of what people ascribe to the person; correct?

13 What about what the person says about himself;
14 Mr. Flinn, is that Hagiography, or lies?

15 A What a person says about himself? I assume if
16 it is untrue.

17 Q If it is untrue.

18 A If it is untrue, it is untrue by self-
19 definition.

20 Q Then it is not Hagiography; it is just a
21 falsehood?

22 A There are many quasi-falsehoods in
23 Hagiographies.

24 To outside believers the fact that Jesus rose
25 from the dead would be a lie. But to someone who is not a
26 believer --

27 Q Let's take your PhD from Harvard; if you said
28 you had one when you didn't, would that be Hagiography, or

1 would that be a lie?

2 A That would be falsification of my credentials.

3 Q If L. Ron Hubbard said he was a Bachelor of
4 Science in engineering when he wasn't, would be that
5 Hagiography, or a lie?

6 A If L. Ron Hubbard said that, that would be a
7 lie.

8 Q And if L. Ron Hubbard said he was a war hero
9 when in fact he was not, would that be Hagiography, or a
10 lie?

11 A That one is harder to determine.

12 Q If L. Ron Hubbard said that he was flown home
13 in the Secretary of the Navy's plane when he fact he wasn't,
14 would that be Hagiography, or a lie?

15 A If he flew home in the Secretary's plane, he
16 told the truth; if he did not and claimed he did, he would
17 be telling a lie.

18 Q Suppose he said he was hit with Japanese
19 machine gun fire in his kidneys when he in fact wasn't;
20 would that be Hagiography, or a lie?

21 MR. LITT: This is all rhetorical questioning. It is
22 self-evident.

23 MR. FLYNN: Your Honor, Mr. Litt tried to build a
24 record.

25 THE COURT: Well, we can have a little more of it.
26 But I think we ought to try to get the gentleman back to
27 St. Louis before the weekend; otherwise, he is going to be
28 stuck here over the weekend.

1 Q BY MR. FLYNN: That would be a lie rather than
2 Hagiography, Mr. Flinn?

3 A What would be a lie rather than Hagiography,
4 going back to St. Louis?

5 Q The bullet in the kidneys.

6 A If he was hit in the kidneys and said he was,
7 that would be the truth. If he wasn't hit in the kidneys
8 and said he was, that would be a lie.

9 Q Suppose he suffered from some urinary
10 difficulties which he said related to machine gun bullets,
11 but in fact related to a disease that he contracted; would
12 that be Hagiography, or a lie?

13 A The same type of application to this answer would
14 apply in this case. If it happened and he claimed -- if
15 it happened and he claimed it happened, it would be the
16 truth. If it happened and he didn't claim it happened, it
17 would be false.

18 Q Did Mr. Litt show you any documents in this
19 case that listed three pages of misrepresentations that
20 L. Ron Hubbard has made?

21 A No.

22 MR. LITT: Objection. Assumes facts not in evidence,
23 that those are misrepresentations, which is far from being
24 established.

25 MR. FLYNN: I don't want to go through them all. We
26 have to get Mr. Flinn back to St. Louis.

27 MR. LITT: He said he didn't see the list.

28 Q BY MR. FLYNN: Do you think religion has something

1 to do with intention?

2 A You would have to define "intention" for me,
3 please.

4 Q Well, if you told someone you were a Catholic
5 when in fact you weren't, would you be a member of the
6 Catholic Church or not?

7 A Oh, I have known many members of the Catholic
8 Church who have lied and remained members of the Catholic
9 Church.

10 Q Let's get a little more subtle about intention.

11 A Telling a falsehood does not disqualify one from
12 membership in anything.

13 Q Let's get --

14 A It is a test of a person's failure to live up
15 to the religion, but it doesn't mean he is excluded
16 thereby.

17 Q Let me ask you this: If you don't intend to be
18 the founder of a religion and you don't perceive of yourself
19 as the founder of a religion does that have anything to do,
20 in your mind, with whether or not a religion has been
21 founded?

22 A In order to answer your question --

23 Q As opposed to a science?

24 A I would simply say that I don't think that Moses
25 intended to found a religion of Israel; in fact, Moses fled,
26 had an experience, and this led to the founding of the
27 Israelite -- the later Israelite kind of religion.
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1 Q So your answer is no?

2 A To a certain extent, a religious leader very
3 often --

4 Q Your answer is no, Mr. Flynn?

5 A It is not. They can fall into a religion.

6 Q It means you can have a religion when you
7 don't intend?

8 A You can have a religion -- you can have
9 a later experience where it becomes a religion. Religions
10 don't necessarily have to start from the very beginning.
11 They can develop.

12 MR. LITT: For the court's reference, there are
13 constitutional decisions saying that whether people intend
14 something to be a religion, if it is a religion, those
15 criteria apply regardless of what was intended. The case
16 is Malnak v. Yogi.

17 THE COURT: I don't think we need to get off or take
18 up the time of the witness on legal discussions now.

19 MR. FLYNN: And I'd cite the Ballard case.

20 THE COURT: Let's go on and ask some questions and get
21 some answer so the witness can go home.

22 Q BY MR. FLYNN: Now, Mr. Flinn, belief has
23 something to do with intention; right?

24 A Belief? I would say -- all intentions are
25 belief, and belief and intention are included in one another.
26 They overlap.

27 Q And sincerity of belief had something to do with
28 faith?

1 A I think so.

2 Q And faith and belief are the essential components
3 of religion?

4 THE COURT: I think he said faith or belief.

5 Q BY MR. FLYNN: Faith or belief are essential
6 components of religion; is that true?

7 A Yes, they are important.

8 Q Suppose a person wrote that, "Selling courses
9 in some type of a mental healing was a problem in practical
10 business"; does that affect whether or not that person
11 is thinking he is starting a religion or not?

12 A No, it doesn't affect it whatsoever.

13 Q And suppose he says, "I await your reaction
14 on the religion angle"; does that suggest to you any question
15 about whether the person was really believing he was
16 starting a religion as opposed to just using it for other
17 purposes?

18 A I don't know what you are quoting and I don't
19 know when it days from, and I don't know what the context is.

20 Could you bring that information? We scholars
21 are very, very careful about these things.

22 Q It is a letter to Helen O'Brien dated
23 April 10th from L. Ron Hubbard.

24 A April 10th when?

25 Q I believe it is '52 -- '53, 1953.

26 So, if we can just narrow this, if a person
27 said, "I wait your reaction on the religion angle"; does
28 this just connote to you as a religious expert that he is

1 kind of using religion as opposed to sincerely believing
2 in it?

3 A No it doesn't whatsoever. In fact, my article --

4 Q Thank you.

5 A My article --

6 Q The answer was no?

7 MR. LITT: Your Honor, may he finish his answer?

8 THE COURT: All he has to say is yes or no.

9 Q BY MR. FLYNN: Now, you have talked about
10 charismatic leaders and you put L. Ron Hubbard in that vein,
11 and you put Jesus and Mohammed.

12 Did you put Shankara in that domain?

13 A I don't know who Shankara is.

14 Q Well, didn't you say that Scientology was
15 technical Bhuddism?

16 A Technological Bhuddism. Are you referring to
17 a person or a method?

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1 Q Well, let me ask you this: Was Hitler, in your
2 view as a religious expert, a charismatic leader?

3 A He had certain charismatic qualities applied in
4 the political realm, but not a charismatic leader.

5 Q Was Jim Jones a charismatic leader?

6 A He had certain charismatic leadership qualities.
7 I don't know whether at the end of his life he was a
8 religious leader or not because he assumed certain political
9 doctrines.

10 Q Is Khadafi a charismatic leader?

11 A He has certain charismatic qualities.

12 Q Khomeni, is he a charismatic leader?

13 A Khomeni is charismatic.

14 THE COURT: How about Bogwon?

15 THE WITNESS: I would say he is a charismatic leader?

16 Q BY MR. FLYNN: Do you believe education dispells
17 mysticism?

18 A Not necessarily. No, I don't.

19 Q Do you believe that between the time of Jesus
20 and the present time, man has evolved more toward technoloical
21 studies rather than mystical belief?

22 A I have a much more sickening view of religious
23 phenomena; that at a time religion goes downhill and things
24 like technological study goes uphill and at times they
25 become -- they get disillusioned and religion goes back
26 uphill.

27 Q To your knowledge did Jesus of Nazareth maintain
28 Swiss bank accounts?

44-2 1 A I have no knowledge of that whatsoever.

2 Q But you do agree that if the Pope had resigned,
3 he wouldn't have control over the monies of the Catholic
4 Church?

5 A In fact, there were Popes who did resign in the
6 Middle Ages during the Avion Papacies.

7 Q We are dealing with now.

8 A I --

9 MR. LITT: Can he finish, Your Honor?

10 THE COURT: I would like to get through with it. Can
11 he answer yes or no?

12 THE WITNESS: In present day, no, that would not
13 happen. In the past, that, in fact, did happen.

14 Q BY MR. FLYNN: In the past the Catholic Church
15 burned witches; correct?

16 A Yes.

17 Q This House of Paracletes down in New Mexico,
18 did you say it was primarily for medical treatment of
19 alcoholism?

20 A It was for all kinds of treatment dealing with
21 priests who have problems.

22 Q Including psychiatric treatment?

23 A There are some that I am aware of that had mental
24 problems, things like that, emotional problems, all kinds
25 of problems; principally dealing with priests who had alcohol
26 problems.

27 Q There were doctors down there treating them?

28 A No. It was a religious order that treated them.

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1 And doctors were employed in circumstances. But there was
2 no direct, to my knowledge -- well, there were doctors who
3 were brought in, but not members of the group who were doing
4 the care of these priests.

5 Q The intent was to treat the person's, for example,
6 alcoholism and if medical treatment was needed, it was
7 brought in?

8 A There would be medical treatment if necessary,
9 yes.

10 Q Now, have you ever been to a psychiatric
11 institution where a person is in a locked ward?

12 A Yes, I have. Yes.

13 Q So for purposes of treatment they put them in
14 a locked ward to protect themselves; is that correct?

15 A With doors locked and bars. Yes, I have seen
16 that.

17 Q Have you ever been to a prison where a person
18 is locked up by society so society protects itself?

19 A Yes.

20 Q Do you place a distinction between those three
21 items, the psychiatric institution, the prison, and the House
22 of Paracletes?

23 A Do I make a distinction?

24 Q Yes.

25 A I think there are distinctions between those,
26 yes.

27 Q Suppose a person is actually kidnapped and locked
28 against their will; do you make another distinction there?

1 A I think that that -- I can't answer that question
2 without circumstances. If it is against their will and they
3 were kidnapped and force was used, that is false imprisonment
4 unless it is by a court order.

5 MR. FLYNN: That is all I have, Your Honor.

6 THE COURT: Mr. Litt.

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1 THE COURT: Mr. Litt?

2 MR. LITT: Thank you, Your Honor.

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REDIRECT EXAMINATION

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BY MR. LITT:

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Q Mr. Flinn, is the word "science" frequently used
7 within certain religious movements?

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A The most famous theological treatise in the
world is called the "Summa Theologicum" by St. Thomas
Aquinas and he begins this treatise discussing schienta
divina, divine science, and so that the word, you cannot
simply say that natural scientists have exclusive use of
the word science nor people who hold to a theory of knowledge
called common sensism have a hold over the word science.
One must define the context in which the word science is
being used.

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The Christian Scientists which is well
recognized by everyone to be a religious phenomenon discusses
its methodology as spiritual science within the context
of that safe community.

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Q Now, Mr. Flynn asked you some questions about
the origins of Scientology.

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Without elaborating, because we are short
of time, based on your study of the belief system of Scientology,
does it from what you can determine have roots in older
religions in many respects?

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A I have actually written on this topic to the
effect that there are many parallels between the Scientological

1 salvation process; that is, going from being a preclear
2 through auditing and become a clear and achieving a status
3 of being an operating Thetan is very, very closely allied
4 to and parallel in some aspects derived from the Bhuddist
5 notion of being entangled in the threads of existence, and
6 through a process of meditation or spiritual discipline
7 achieving what the Bhuddists called enlightenment or
8 nirvana.

9 Q Now, based upon your studies in a situation
10 where there is a living founder who holds no organizational
11 post, would you consider it characteristic that person's
12 views would continue to be followed irrespective of any
13 post that they held?

14 A This has occurred with the founders of many
15 of the religious orders within the Catholic tradition where
16 religious founders became older, kind of retire.

17 this happened with any of the founders of
18 the religious movement in the United States that are kind
19 of indigenous, including Mary Baker Eddy herself is a very
20 good example of this.

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1 Many other types of religious movements where
2 the founder, in their old age, is well taken care of by
3 the membership in their retirement.

4 Q And would you consider the characteristic that
5 where there is a living founder who holds no formal
6 organizational post other than that title would nonetheless
7 be able to intervene at various times and affect the
8 direction or activities of the religion?

9 A In the history of religion, this type of
10 intervention into preserving the purity and integrity of
11 doctrine has occurred time after time after time by retired
12 founders.

13 MR. LITT: No further questions, Your Honor.

14 MR. FLYNN: Nothing further, Your Honor.

15 THE COURT: Very well. We'll take a recess until
16 9 o'clock.

17 You can go back to St. Louis, sir.

18 9 o'clock Monday morning.

19 (At 4:02 a.m., an adjournment was taken
20 until Monday, June 4th, 1984; at 9:00 a.m.)
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